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**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING
COMMITTEE**

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF A SINGLE 138 Kv
TRANSMISSION LINE AND ASSOCIATED
FACILITIES FROM THE EXISTING DEMOSS
PETRIE SUBSTATION IN SECTION 35, T. 13 S.,
R. 13 E., TO THE EXISTING TUCSON
SUBSTATION IN SECTION 12, T. 14 S., R. 13 E.,
IN THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Docket No.: L-00000C-10-0507-00157

Case No. 157

**NOTICE OF FILING E-MAIL
COMMUNICATION**

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date.

DATED: this 7th day of March 2011.

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Arizona Corporation Commission

DOCKETED

MAR 8 2011

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| DOCKETED BY | |
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RECEIVED
2011 MAR -8 P 4:12
AZ AG COMM
DOCKET CONTROL

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed this 8th day of March 2011 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 Copy of the above was mailed
9 this 8th day of March 2011 to:

10 Janice Alward, Chief Counsel
11 Arizona Corporation Commission
12 1200 W. Washington Street
13 Phoenix, AZ 85007

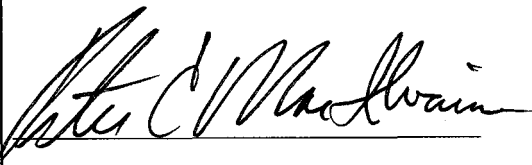
14 ***Counsel for Legal Division Staff***

15 J. Matthew Derstine, Esq.
16 Jason D. Gellman, Esq.
17 Roshka, DeWulf & Patten
18 400 E. Van Buren Street, Suite 800
19 Phoenix, AZ 85004

20 ***Counsel for Applicant Tucson Electric Power***

21 Copy mailed electronically this 8th day of March 2011, to:
22 Ian Johnson: ianjohn27@gmail.com

23 ***Intervenor***

24 
25
26

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 1/28/2011 10:15 AM
Subject: RE: Notice of Filing CEC

THANK YOU.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Friday, January 28, 2011 10:07 AM
To: Mary Ippolito
Subject: Re: Notice of Filing CEC

Mary,

The CEC was filed simultaneously but separately. You will/should have receive(d) a copy from Docket Control.

thanks.

Peter

>>> Mary Ippolito <mippolito@rdp-law.com> 1/28/2011 9:44 AM >>>
Peter

We received the hard copy of the above filing today. I am a little confused - it was just the notice of filing and did not have the CEC attached. Did the CEC get filed with the Arizona Corporation Commission? If so, it was not attached to my copy. THX

Mary Ippolito
Legal Assistant to Michael W. Patten
and Jennifer A. Baker
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 (phone)
(602) 256-6800 (fax)
mippolito@rdp-law.com<mailto:mippolito@rdp-law.com>

For more information about Roshka DeWulf & Patten, please see our website at www.rdp-law.com<<https://server01/exchweb/bin/redir.asp?URL=http://www.rdp-law.com/>>.
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Peter MacIlvaine - Notice of Filing CEC

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 1/28/2011 9:58 AM
Subject: Notice of Filing CEC

Peter

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Mary Ippolito
Legal Assistant to Michael W. Patten
and Jennifer A. Baker
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 (phone)
(602) 256-6800 (fax)
mippolito@rdp-law.com

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From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 1/27/2011 9:51 AM
Subject: RE: Case No. 157 - Notice of Filing CEC

Peter

Thank you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Thursday, January 27, 2011 9:47 AM
To: Mary Ippolito
Cc: Jason Gellman
Subject: Fwd: Case No. 157 - Notice of Filing CEC

Mary,

Below and attached please find a courtesy copy of an e-mail and attachment sent to Mr. Johnson on January 27, 2011. We will be mailing you a copy of the attached document via USPS today.

Please let me know if you have any questions.

Thank you,

Peter

>>> Peter MacIlvaine 1/27/2011 9:40 AM >>>
Mr. Johnson,

Attached please find a copy of the Notice of Filing in the above-referenced matter. This document will be filed with the ACC on January 27, 2011.

Thank you.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Peter MacIlvaine
To: Mary Ippolito
CC: Jason Gellman
Date: 1/27/2011 9:47 AM
Subject: Fwd: Case No. 157 - Notice of Filing CEC
Attachments: #157 Notice of Filing.pdf

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Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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**NOTICE OF FILING
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY**

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed this 27th day of January, 2011 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 Copy of the above was mailed
9 this 27th day of January, 2011 to:

10 Janice Alward, Chief Counsel
11 Arizona Corporation Commission
12 1200 W. Washington Street
13 Phoenix, AZ 85007

14 *Counsel for Legal Division Staff*

15 Jason D. Gellman, Esq.
16 J. Matthew Derstine, Esq.
17 Roshka DeWulf & Patten, PLC
18 One Arizona Center
19 400 E. Van Buren Street, Suite 800
20 Phoenix, AZ 85004

21 *Counsel for Applicants*

22 Ian Johnson
23 ianjohn27@gmail.com
24 (via e-mail)

25 *Intervenor*

26 Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 N. Central Avenue
Phoenix, AZ 85004-1481



From: Peter MacIlvaine
To: ianjohn27@gmail.com
Date: 1/27/2011 9:40 AM
Subject: Case No. 157 - Notice of Filing CEC
Attachments: #157 Notice of Filing.pdf

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Thank you.

Sincerely yours,

Peter MacIlvaine

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Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF A SINGLE 138 kV
TRANSMISSION LINE AND ASSOCIATED
FACILITIES FROM THE EXISTING DEMOSS
PETRIE SUBSTATION IN SECTION 35, T.13S.,
R.13E., TO THE EXISTING TUCSON
SUBSTATION IN SECTION 12, T.14S., R.13E., IN
THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Case No. 157

**NOTICE OF FILING
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY**

John Foreman, designee of the Attorney General of Arizona, Tom Horne, as Chairman and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee, gives notice of filing the attached Certificate of Environmental Compatibility with Docket Control of the Arizona Corporation Commission.

DATED: Jan. 27, 2011

John Foreman

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

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16 J. Matthew Derstine, Esq.
17 Roshka DeWulf & Patten, PLC
18 One Arizona Center
19 400 E. Van Buren Street, Suite 800
20 Phoenix, AZ 85004

21 ***Counsel for Applicants***

22 Ian Johnson
23 ianjohn27@gmail.com
24 (via e-mail)

25 ***Intervenor***

26 Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 N. Central Avenue
Phoenix, AZ 85004-1481



Peter MacIlvaine - Re: Proposed Form of CEC for the TEP DeMoss Petrie Project - Docket 10-0507 (Case 157)

From: Ian Johnson <ianjohn27@gmail.com>
To: jgellman@rdp-law.com
Date: 1/26/2011 4:11 PM
Subject: Re: Proposed Form of CEC for the TEP DeMoss Petrie Project - Docket 10-0507 (Case 157)
CC: MJerden@Tep.com; EBeck@Tep.com; mippolito@rdp-law.com; Peter.MacIlvaine@azag.gov

Jason, et. al.,

I don't have any issue with the attached CEC, it seems to capture everything as was discussed yesterday. Thanks for including me on the email.

Ian

On Jan 26, 2011, at 3:10 PM, Jason Gellman wrote:

Peter,

Attached is the proposed form of Certificate of Environmental Compatibility for the recently concluded hearings regarding Tucson Electric Power Company's Application for approval of its DeMoss Petrie to Tucson 138 kV Transmission Line Project for Chairman Foreman's review and signature. We have also attached the proposed form of Exhibit A for his review. We believe both capture the additions and changes made to the certificate during the hearings concluded yesterday. Even so, I have included intervenor Mr. Ian Johnson on this email, so that he has the opportunity to raise any concerns about the proposed form. As always, feel free to contact me should there be any questions or concerns. Thanks.

P.S. Regarding printing out the Exhibit A – you will want to make sure you select "Fit to Printable Area" under "page scaling" in the print dialog box. Otherwise, the edges of the exhibit may be cut off.

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATIONS

Jason D. Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: jgellman@rdp-law.com

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<CEC 1-26-11 - Proposed Form of CEC - Final.doc><Final_CEC-Exhibit_A.pdf>

Ian Johnson, MoiaGroup
Web Design and Development
ian@moigroup.com
<http://www.moigroup.com>
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

Peter MacIlvaine - Proposed Form of CEC for the TEP DeMoss Petrie Project - Docket10-0507 (Case 157)

From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 1/26/2011 3:11 PM
Subject: Proposed Form of CEC for the TEP DeMoss Petrie Project - Docket10-0507 (Case 157)
CC: MJerden@Tep.com; EBeck@Tep.com; mippolito@rdp-law.com;
ianjohn27@gmail.com
Attachments: CEC 1-26-11 - Proposed Form of CEC - Final.doc; Final_CEC-Exhibit_A.pdf

Peter,

Attached is the proposed form of Certificate of Environmental Compatibility for the recently concluded hearings regarding Tucson Electric Power Company's Application for approval of its DeMoss Petrie to Tucson 138 kV Transmission Line Project for Chairman Foreman's review and signature. We have also attached the proposed form of Exhibit A for his review. We believe both capture the additions and changes made to the certificate during the hearings concluded yesterday. Even so, I have included intervener Mr. Ian Johnson on this email, so that he has the opportunity to raise any concerns about the proposed form. As always, feel free to contact me should there be any questions or concerns. Thanks.

P.S. Regarding printing out the Exhibit A – you will want to make sure you select “Fit to Printable Area” under “page scaling” in the print dialog box. Otherwise, the edges of the exhibit may be cut off.

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATIONS

Jason D. Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: jgellman@rdp-law.com

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**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF
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SUBSTATION IN SECTION 12, T.14S., R.13E.,
IN THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Docket No. L-00000C-10-0507-00157

Case No. 157

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission
Line Siting Committee (the "Committee") held public hearings on January 24 and 25, 2011 in
Tucson, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-
360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Tucson
Electric Power Company ("TEP") (the "Applicant") for a Certificate of Environmental
Compatibility ("CEC") for the DeMoss Petrie to Tucson 138kV Transmission Line Project (the
"Project").

The following members and designees of members of the Committee were present at one
or more of the hearings for the evidentiary presentations and/or for the deliberations:

John Foreman

Chairman, Designee for Arizona Attorney General
Tom Horne

David L. Eberhart, P.E.

Designee for Chairman, Arizona Corporation
Commission

Paul Rasmussen

Designee for Director, Arizona Department of
Environmental Quality

Jessica Youle

Designee for Director, Energy Office, Arizona
Commerce Authority

Jeff McGuire

Appointed Member

| | | |
|---|------------------|------------------|
| 1 | F. Ann Rodriguez | Appointed Member |
| 2 | Michael Palmer | Appointed Member |
| 3 | Michael Whalen | Appointed Member |
| 4 | Barry Wong | Appointed Member |

5 The Applicant was represented by: J. Matthew Derstine and Jason D. Gellman of Roshka,
6 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP. The
7 following parties were granted intervention pursuant to A.R.S. § 40-360.05: Ian Johnson, in pro
8 persona.

9 At the conclusion of the hearings – after considering the Application, the evidence and
10 exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and upon motion
11 duly made and seconded – the Committee voted nine to zero to grant the Applicant, its successors
12 and assigns, this CEC for the construction of the Project (Case No. 157).

13 The Project as approved consists of a new single-circuit 138kV transmission line that is
14 approximately 2.4 miles in length from the existing TEP DeMoss Petrie (“DMP”) Substation to
15 the existing TEP Tucson Substation, in the City of Tucson, Pima County Arizona. The
16 transmission structures will be double-circuit monopole structures, with typical heights of 75 to
17 100 feet; with taller structures at major road and/or line crossings; and structures adjacent to
18 crossing Interstate-10 (“I-10”) will not exceed 200 feet. Poles and conductors shall not be placed
19 inside the perimeter of Oury Park. TEP will construct a 46 kV transmission line onto the Project
20 structures between the DMP and Tucson substations. The corridor width for the entire Project
21 route is 300 feet.

22 The route for the project will be the Freeway Route. Starting at the DMP Substation, this
23 route proceeds in a southeasterly direction, east of and adjacent to the Union Pacific Railroad
24 Right-of-Way (“UPRR ROW”), crosses Grant Road, and continues in a southerly direction for
25 approximately 0.5 mile. The route then crosses the UPRR ROW, proceeding south adjacent to and
26 immediately east of the westbound I-10 frontage road for approximately 0.75 mile. It then
27 proceeds west approximately 0.1 mile, crossing over to the west side of I-10 in the vicinity of

1 Speedway Boulevard. The route continues south, adjacent to and immediately west of the
2 eastbound I-10 frontage road for approximately 0.5 mile and then east for approximately 0.4 mile,
3 crossing over I-10. The route then proceeds east along St. Mary's Road, for 0.2 mile, and
4 continues adjacent to TEP's existing 138kV line crossing Granada Avenue, Main Avenue, and the
5 UPRR ROW, terminating at the Tucson Substation.

6 A location map of the Project is attached as Exhibit A.

7 **CONDITIONS**

8 This Certificate is granted upon the following conditions:

- 9 1. Any transfer or assignment of this Certificate shall require the assignee or
10 successor to assume all responsibilities of the Applicant listed in this Certificate
11 and its conditions in writing as required by A.R.S. § 40-360.08(A) and R14-3-
12 213(F) of the Arizona Administrative Code.
- 13 2. The Applicant shall obtain all approvals and permits required by the United
14 States, the State of Arizona, Pima County, the City of Tucson, and any other
15 governmental entities having jurisdiction necessary to construct and operate the
16 Project.
- 17 3. During the construction and operation of the Project, the Applicant shall comply
18 with all applicable statutes, ordinances, master plans and regulations of the United
19 States, the State of Arizona, Pima County, the City of Tucson, and any other
20 governmental entities having jurisdiction, and their agencies or subdivisions,
21 including but not limited to the following:
- 22 3.1 all applicable land use regulations;
- 23 3.2 all applicable zoning stipulations and conditions, including but not limited
24 to landscaping and dust control requirements;
- 25 3.3 all applicable water use, discharge, and/or disposal requirements of the
26 Arizona Department of Water Resources (ADWR) and the Arizona
27 Department of Environmental Quality (ADEQ);

1 3.4 all applicable noise control standards; and

2 3.5 all applicable regulations regarding storage and handling of hazardous
3 chemicals and petroleum products.

4 4. If any archaeological site, paleontological site, historical site or an object that is at
5 least 50 years old is discovered on state, county or municipal land during the
6 construction or operation of the Project, the Applicant or its representative in
7 charge shall promptly report the discovery to the Director of the Arizona State
8 Museum ("Director"), and in consultation with the Director, shall immediately take
9 all reasonable steps to secure and maintain the preservation of the discovery,
10 pursuant to A.R.S. § 41-844.

11 5. If human remains and/or funerary objects are encountered on private land during
12 the course of any ground-disturbing activities relating to the construction or
13 operation of the Project, the Applicant shall cease work on the affected area of the
14 Project and notify the Director, pursuant to A.R.S. § 41-865.

15 6. The Applicant shall comply with the notice and salvage requirements of the
16 Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent
17 feasible, minimize the destruction of native plants during the construction and
18 operation of the Project, subject to Arizona Department of Transportation
19 approval.

20 7. This authorization to construct this Project shall expire unless the transmission
21 line is capable of operation within five years from the date the Certificate is
22 approved by the Arizona Corporation Commission ("Commission"). However,
23 prior to expiration, the Applicant may request that the Commission extend this
24 time limitation.

25 8. In the event that the Project requires an extension of the term of this Certificate
26 prior to completion of construction, Applicant shall use reasonable means to notify
27 all landowners, neighborhood associations registered with the City of Tucson

1 within the study area as set forth in the Application, and residents within one mile
2 of the Project corridor, all persons who made public comment at this proceeding,
3 and all parties to this proceeding of the request and the date, time and place of the
4 hearing in which the Commission will consider the request for extension.

5 9. The Applicant shall make every reasonable effort to identify and correct, on a case-
6 specific basis, all complaints of interference with radio or television signals from
7 operation of the transmission lines and related facilities addressed in this
8 Certificate. The Applicant shall maintain written records for a period of five years
9 of all complaints of radio or television interference attributable to operation,
10 together with the corrective action taken in response to each complaint. All
11 complaints shall be recorded to include notations on the corrective action taken.
12 Complaints not leading to a specific action or for which there was no resolution
13 shall be noted and explained. Upon request, the written records shall be provided
14 to the Staff of the Commission.

15 10. Within 120 days of the Commission decision granting this Certificate, Applicant
16 will post signs in or near public rights-of-way giving notice of the Project corridor
17 to the extent authorized by law. The Applicant shall place such signs in prominent
18 locations at reasonable intervals so that the public is notified along the full length of
19 the Project until the transmission structures are constructed. To the extent
20 practicable, within 45 days of securing easement or right-of-way for the Project, the
21 Applicant shall erect and maintain signs providing public notice that the property is
22 the site of a future transmission line. Such signage shall be no smaller than a
23 normal roadway sign. The signs shall advise:

- 24 (a) That the site has been approved for the construction of Project facilities;
- 25 (b) The expected date of completion of the Project facilities;
- 26 (c) A phone number for public information regarding the Project;
- 27 (d) The name of the Project;

1 (e) The name of the Applicant; and

2 (f) The website of the Project.

3 11. Applicant or its assignees, shall design the transmission lines to incorporate
4 reasonable measures to minimize impacts to raptors.

5 12. Applicant shall use non-specular conductor and dulled surfaces for the Project's
6 transmission line structures. Applicant shall use galvanized or gray poles as
7 crossing structures over Interstate 10.

8 13. Before construction on this Project may commence, the Applicant shall file a
9 construction mitigation and restoration plan ("Plan") with ACC Docket Control and
10 Mr. Johnson. Where practicable, the Plan shall specify the Applicant's plans for
11 construction access and methods to minimize impacts to wildlife and to minimize
12 vegetation disturbance outside of the Project right-of-way particularly in drainage
13 channels and along stream banks, and shall re-vegetate, unless waived by the
14 landowner, native areas of construction disturbance to its preconstruction state
15 outside of the power-line right-of-way after construction has been completed. The
16 Plan shall specify the Applicant's plans for coordination with the Arizona Game
17 and Fish Department ("AGFD") and the State Historic Preservation Office
18 ("SHPO"). The Applicant shall use existing roads for construction and access
19 where practicable and the Plan shall specify the manner in which the Applicant
20 makes use of existing roads.

21 14. Applicant shall follow any published guidelines adopted by AGFD or the United
22 States Fish and Wildlife Service ("USFW") for handling contacts during the
23 construction and operation of the Project with any species designated as
24 endangered. Applicant also shall follow any published and adopted guidelines for
25 handling contacts with any species of greatest conservation need as designated by
26 AGFD. If no published and adopted guidelines exist, the Applicant shall use
27 reasonable care to avoid any harm to individuals of the designated species. If the

avoidance of harm to individuals is not possible, the Applicant shall contact AGFD and USFW to obtain any appropriate permits and guidance for removing the individual members of the species contacted from the area of the Project.

15. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
16. The Applicant shall provide copies of this Certificate to Pima County, the City of Tucson, the Arizona State Land Department, SHPO and AGFD.
17. Before construction commences on this Project, the Applicant shall provide known homebuilders, neighborhood associations registered with the City of Tucson within the study area as set forth in the Application, and developers of record who are building upon or developing land within one mile of the center line of the Certificated route of the transmission line, a written description of the Project. The written description shall identify the location of the Project and contain a pictorial description of the type of transmission line being constructed. The Applicant also shall encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.
18. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:
 - (a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff and Docket Control reports of studies

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performed; and

(b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff and Docket Control.

19. Applicant will follow the latest Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.

20. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Commission and Mr. Johnson on November 1 beginning in 2011. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General, and the Arizona Commerce Authority Energy Office. The requirement for self-certification shall expire on the date the Project is placed into operation.

21. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.

1 22. The Applicant shall expeditiously pursue reasonable efforts to work with
2 private landowners on whose property the Project right-of-way will be located,
3 to mitigate the impacts of the location, construction, and operation of the
4 Project on private land.

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6
7 This Certificate incorporates the following findings of fact and conclusions of law:

- 8 1. The Project aids the state in meeting the need for an adequate, economical and
9 reliable supply of electric power.
- 10 2. The conditions placed on the Project in the CEC by the Committee effectively
11 minimize the impact of the Project on the environment and ecology of the state.
- 12 3. The Project is in the public interest because the Project's contribution to meeting
13 the need for the adequate, economical and reliable supply of electric power
14 outweighs the minimized impact of the Project on the environment and ecology of
15 the state.

16 DATED this _____ day of _____, 2011.

17 **THE ARIZONA POWER PLANT AND**
18 **TRANSMISSION LINE SITING COMMITTEE**

19
20
21 _____
22 Hon. John Foreman, Chairman
23
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EXHIBIT A:

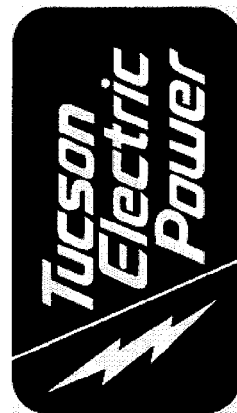
Approved Alignment

DMP to Tucson 138kV
Transmission Line Project

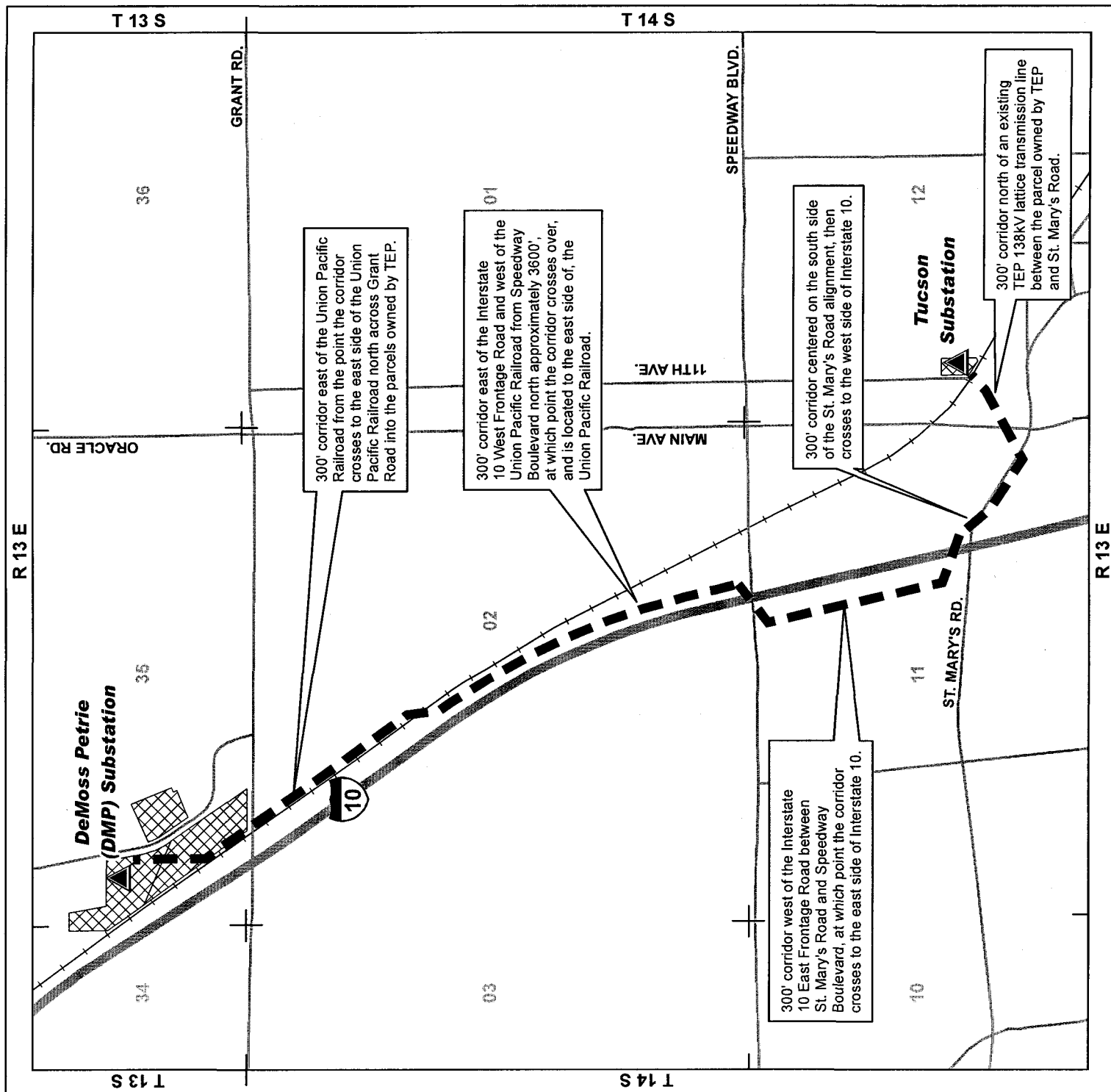
January 2011

Legend

-  Approved 300' Corridor
-  Existing Substation
-  TEP Owned Parcels
-  Union Pacific Railroad
-  Interstate
-  Road



A UniSource Energy Company



From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 1/26/2011 1:01 PM
Subject: RE: TEP's DeMoss Petrie

You're welcome.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, January 26, 2011 1:00 PM
To: Mary Ippolito
Subject: Re: TEP's DeMoss Petrie

thanks for letting me know.

Peter

>>> Mary Ippolito <mippolito@rdp-law.com> 1/26/2011 12:59 PM >>>
Peter

The attached document will be filed this afternoon with Docket Control.

Mary Ippolito
Legal Assistant to Michael W. Patten
and Jennifer A. Baker
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 (phone)
(602) 256-6800 (fax)
mippolito@rdp-law.com

For more information about Roshka DeWulf & Patten, please see our website at www.rdp-law.com.
This message and any of the attached documents contain information from the law firm of Roshka DeWulf & Patten, PLC and may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute or use this information and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply email and then delete this message. Thank you.

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 1/26/2011 12:59 PM
Subject: TEP's DeMoss Petrie
Attachments: Scan001.PDF

Peter

The attached document will be filed this afternoon with Docket Control.

Mary Ippolito
Legal Assistant to Michael W. Patten
and Jennifer A. Baker
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100 (phone)
(602) 256-6800 (fax)
mippolito@rdp-law.com

For more information about Roshka DeWulf & Patten, please see our website at www.rdp-law.com.
This message and any of the attached documents contain information from the law firm of Roshka DeWulf & Patten, PLC and may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute or use this information and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply email and then delete this message. Thank you.

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**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF A SINGLE 138 kV
TRANSMISSION LINE AND ASSOCIATED
FACILITIES FROM THE EXISTING DEMOSS
PETRIE SUBSTATION IN SECTION 35, T.13S.,
R.13E., TO THE EXISTING TUCSON
SUBSTATION IN SECTION 12, T.14S., R.13E.,
IN THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Docket No. L-00000C-10-0507-00157

Case No. 157


NOTICE OF FILING

Tucson Electric Power Company ("TEP"), through undersigned counsel, hereby provides
written public comment submitted during the evening public comment session that took place on
January 24, 2011, starting at 6:00 p.m. at the location of the evidentiary hearings conducted for
this matter.

RESPECTFULLY SUBMITTED this 26th day of January 2011.

TUCSON ELECTRIC POWER COMPANY

By


J. Matthew Derstine
Jason D. Gellman
ROSHKA DEWULF & PATTEN, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100

Original and 25 copies filed
this 26th day of January 2011, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ROSHKA DEWULF & PATTEN, PLC
400 EAST VAN BUREN STREET, SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 A copy of the foregoing was hand-delivered/mailed
2 this 26th day of January 2011 to:

3 Chairman John Foreman
4 Arizona Power Plant and Transmission Line Siting Committee
5 Arizona Attorney General Office
6 1275 West Washington Street
7 Phoenix, Arizona 85007

8 Janice M. Alward, Esq.
9 Chief Counsel, Legal Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Steve Olea
14 Director, Utilities Division
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 Ian Johnson
19 711 North 11th Avenue
20 Tucson, AZ 85705

21 By





REGINA ROMERO, COUNCIL MEMBER
WARD 1 COUNCIL OFFICE

January 24, 2011

John Foreman, Chairman
Arizona Power Plant and Transmission Line Siting Committee
1200 W. Washington Street
Phoenix, AZ 85007

Re: Comments for public hearing on DeMoss Petrie (DMP) Substation to Tucson Substation
Transmission Line Project (Tucson, 1-24-2011)

Dear Mr. Foreman:

Thank you for the opportunity to comment on your proposed alternatives for the DMP to Tucson substation transmission line project. I represent several of the neighborhoods that will be affected by this project and join them in supporting the proposed "Freeway Route," with the addition of one small change.

The Freeway Route resembles the route offered by the citizen's working group – Citizens for Safe Power lines. They met for months and gathered a talented volunteer team to study TEP's maps and guidelines and attend the public meetings. The Dunbar Spring neighborhood is a nationally-designated historic neighborhood and Barrio Anita has applied for the national historic neighborhood designation. It is critical that the power poles be placed away from where they could erode the historic integrity of the neighborhoods. Additionally, it is critical that the poles be located away from schools and playgrounds. For those reasons, I am requesting that you make one small change to the "Freeway Route," by specifying that the poles run along the south side of St. Mary's road to I-10, to avoid Davis School and Oury Park.

I have been impressed by the level of involvement of the community and by the professional staff at Tucson Electric Power. I support the revised "Freeway Route" and strongly urge the committee to send this option to the Arizona Corporation Commission with an approval recommendation.

In Community,

A handwritten signature in black ink, appearing to read "Regina Romero", written over the words "In Community,".

Regina Romero
Tucson City Council Ward 1

This is the
Sierra Club Rincon Group statement to the Arizona Power Plant and Transmission Line Siting Committee on Tucson Electric Power Co.'s transmission line proposal:

The Sierra Club Rincon Group supports the preferred "Freeway Route" of Tucson Electric Power Co. for a 138-kilovolt power transmission line between its Tucson and DeMoss Petrie substations.

The preferred "Freeway Route" before you is strongly favored by local residents and the neighborhood associations that represent them, as it has minimal impact on homes. Unlike the other alternatives, it lies primarily in or near the rights of way of Interstate 10 and the Union Pacific Railroad. This is a good route for power lines of this size and voltage as the breakage of a line or the falling of a pole would be much less likely there to damage homes, business~~s~~ or the people in and around them.

In addition, homeowners and businessmen in the area of the alternative routes should not have to view and to avoid the large (at least 75-foot in height) poles and wires of this proposal in and around where they reside and do business.

We are pleased that TEP took its requirement seriously to conduct an ~~an~~ open and public process in arriving at its preferred route, and that it displayed genuine concern for the affected public in making this wise decision. The Sierra Club Rincon Group urges the committee to agree with TEP and the affected public, and forward the preferred "Freeway Route" to the Arizona Corporation Commission with an approval recommendation.

January 24, 2011

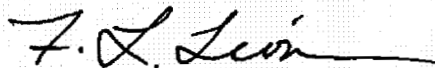
**Barrio Anita Neighborhood Association
Position on TEP's Power Lines Affecting our Neighborhood.**

The residents of Barrio Anita support Citizens for Safe Powerlines and the Freeway Route proposed by TEP. However, we, as substantiated by the attached 2-page petition and the united opinions of Barrio Anita residents, do not agree with the proposed location of one of TEP's towers on the southeast corner of Oury Park. This park is heavily used by children from Barrio Anita and other neighborhoods; therefore, we feel that that particular tower will make the park unsafe and dangerous for our children.

We ask that the tower in question be moved South of St. Mary's Rd., as shown in the attached Figure, where there are more suitable places for such a tower. In addition, we feel that this tower at our park will not be an aesthetically pleasing addition.

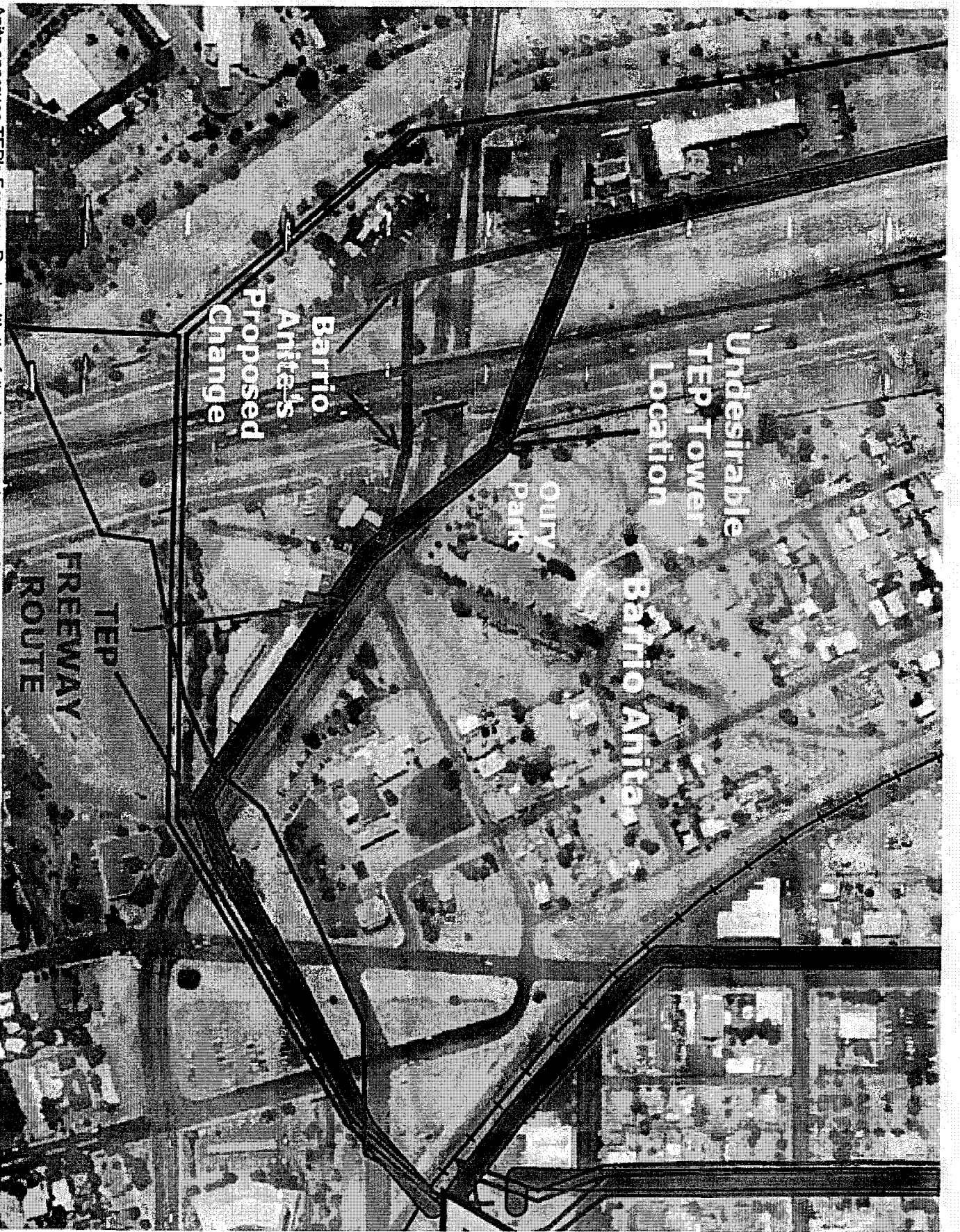
We thank the ACC in advance for taking into consideration our request.

Respectfully,



Feliciano L. Leon, *President*
Barrio Anita Neighborhood Association

Encls. (2): 2-page petition, 1 Figure



Barrio Anita approves TEP's Freeway Route with the following exception. We feel that TEP's proposed tower at the southwest corner of Oury Park will create an unsafe and dangerous environment for our residents and for those who use the park. Furthermore, this tower at our park will not be an aesthetically pleasing addition. We recommend that it be moved to our proposed location which is south of St. Mary's Road as shown in this figure. Please see our signed petition in this regard. (FLL-2011)

Petition Against TEP Power Lines Affecting Barrio Anita

| Name | Address | Phone # |
|-----------------------|--------------------------------|---------------------|
| Gen Verdag | 809 N. Anita | 272-4921 |
| Gracie Sato | 809 N. Anita | 465-6004 |
| Generone Verdugo | 809 N. Anita | 350-0118 |
| Proje Mendoza | 804 N. Anita | |
| Alfonso Verdu | 807 N. Anita | 792-3031 |
| Maac F. Sato | 849 N. Anita Ave | 882-5280 |
| Mary V. Sanchez | 886 N. Contzen Ave | 623-2402 |
| Lupe Carrizosa | 886 N. Contzen Ave | 623-2402 |
| Feliciano L. Leon | 772 N. Anita Ave | 271-2535 |
| Gail Riser | PO Box 87351 85754 | |
| Ray Garcia | 41851 S. Sam Toaquin Ave | 331-5769 |
| Gen Verdag | 878 N. Anita Ave | 609 9232 |
| John Drayton | 123 N. Sierra Vista Dr. | 881-7629 |
| Yvonne Elmer | 9521 E. Victoria Pl. | 975-9414 |
| Blanca Elmer | 8030 E. Lakeside Pkwy | 495-8493 |
| Bruce J. Cro | 10369 S. MARQUETTE ST | 217-8981369 |
| Bush O. G. | 632 N. Anita Ave | |
| Louy Hall | 1040 S. Herbert Ave. | 520-633-1216 |
| Alexandra Queen | 6020 N. Contzen Ave #1 | 302-2224 |
| Edna C. Delacruz | 1064 W. Long Ave | 869.3623 |
| Mike Dyer | 5762 E. Farmstead DR | 404-2499 |
| AMANDA ROBLIES | 833 N. Anita St | 838-1491 |
| Adan Montijo | 833 N. MONTANA | 304 4316 |
| Guy Fossland | 13745 N. COMO Dr. Tucson 85715 | 906 3588 |
| Charles Dyer | 666 N. Anita | 661-9377 |
| Jerry Partin | 1520 S. Northview Tucson 85713 | 623-5950 |
| Maac Cruz | 1529 W. Eslington | 907-9711 |
| Tom Willsey | 1013 N. Van Hook | 370-8816 |
| Guarita Moreno | 2518 N. Jordan | 396 4545 |
| John B. Sells | 901 N. Anita Ave | 229-7641 |
| Dora Estela Dalton | 632 N. Anita Ave 85705 | 622-3404 |
| Maac Foreman | 772 N. CONTZEN AVE 85705 | 204-6513 |
| Juliana Dominguez | 802 N. CONTZEN 85705 | 409-5594 |
| Katie Snyder | 1321 N. 13th Ave | 576-2934 |
| Ernest Acme | 2402 N. Becken Area 85745 | 746 8008 |
| Ruben Tiznado | 901 N. Anita | 342-7504 |
| GAIL RYSER | 911 N Anita Tucson | 480 9656073 |
| Miguel Saldana | 7300 N. Montana (159 RD) | 520-364-7894 |

Petition Against TEP Power Lines Affecting Barrio Anita

[illegible]

Brad Lancaster, resident and past president of the Dunbar/Spring Neighborhood
813 N. 9th Ave., Tucson, Arizona 85705
bradlank@gmail.com

January 21, 2011

Arizona Corporation Commission

John Foreman, Chairman
Arizona Power Plant and Transmission Line Siting Committee
1200 West Washington Street
Phoenix, AZ 85007

I am a long term resident of the Dunbar/Spring neighborhood writing in regards to the proposal of Tucson Electric Power Co to install a 138-kilovolt power transmission line between its Tucson and DeMoss Petrie substations (Docket No. L-0000C-10-0507-00157).

I strongly support Citizens for Safe Powerlines and the Freeway route proposed by TEP down St. Mary's and along the freeway.
This route has the least negative impacts of the proposed routes.

Though to make the Freeway route even better I recommend moving just one pole – the pole proposed at the northeast corner of St. Mary's and the frontage road, which is the southwest corner of Oury Park. I recommend the pole be moved to the south side of St. Mary's and away from Oury Park.

Since moving to the downtown area in 1994, I have long been active in the Dunbar/Spring neighborhood, the West Side Coalition, the Building Bridges Project, and many other efforts and organizations working to enhance life in the downtown and west side area neighborhoods. We have made great strides enhancing the quality of life in these vibrant, diverse, and historic communities with the creation and improvement of public parks, playgrounds, and gardens; tree planting projects (with trees subsidized by TEP and TEP volunteers); home and business renovations; rooftop solar power and solar hot water installations; after school art and language programs; bicycle/wheelchair/and pedestrian infrastructure improvements; annual festivals attended by thousands; and the creation of the Dunbar Project – a community center and African American Museum. Much of this is concentrated along 11th Avenue and Main Avenue – and the transmission line routes I do NOT support.

The Freeway route supports our communities' on-going positive efforts.

The other proposed routes (Main Ave and 11th Ave) would erode and even destroy many of these efforts.

100-foot poles and 138-kV lines (along with their shading of rooftop solar installations, concerns of increased EMF exposure and reduced safety) do not belong in neighborhoods where such power lines would radically change the current historical residential character, use, and scale to a much more industrial and highway-like character, use, and scale.

So, please put the poles along the freeway where they blend with that character, use, and scale.

Choose the freeway route.

Sincerely,

Brad Lancaster

PS – In addition, it would be icing on the cake if TEP were to replace the chain link fence around the substation in Dunbar/Spring with a solid wall of equal height as has been requested since the late 1990s to reduce light and noise emitted into adjoining properties. It would then be compliant with all other substations observed in other residential neighborhoods around Tucson that are all walled rather than fenced.

Dear Arizona Corporation Commission and Line Siting Committee:

My name is Vincent Pawlowski, I live at 255 W. University Blvd., Tucson, Arizona. That is on the southeast corner of University Boulevard and 11th Avenue. There is currently a 46 Kv pole on the corner of the right of way directly outside my property.

I speak in favor of the Freeway Route, against the Speedway Route and most strongly opposed to the 11th Avenue Route tonight. In particular, I wish to speak in regard to testimony given at hearings held this afternoon.

On the Speedway Route, the Main Avenue section Google Earth flyover showed little automotive traffic. That is not factual. Main Avenue has been treated by commuters as a major arterial collector. The area beginning with the railroad track is a 30 MPH speed zone that usually carries 40-50 MPH traffic. The death of a prominent Tucson citizen occurred near this crossing due to drag racers automobiles leaving the ground near the potential locations of a power pole. Whether that kind of driving is right or wrong, please consider the impact of high speed collisions when considering this route.

The commercial structures on the east side of the north end of the Freeway and Speedway Routes north of the former theater are not consumer oriented businesses, they ought to be considered as a low-impact industrial area.

71

The 11th Avenue Route through the Dunbar/Spring neighborhood

On the 11th Avenue Route, the photographs of the University Boulevard intersection looking north on 11th showed little automotive traffic. That is not factual. University Blvd is, according to the City of Tucson's Development Services, designated as MS&R, a major street. Both 11th Avenue and University Boulevard take overflow traffic from Main Ave during train track closures. Although it is a 25 MPH speed zone it frequently carries 30-40 MPH bursts of traffic. Please consider the impact of high speed collisions along this route also.

The Freeway Route is most compatible. ^{with the area.} Please explore the hidden costs of the alternatives and do not force our city and neighborhood to absorb those costs for an apparent savings for TEP. There are no losers if the Freeway Route is chosen. However, should the Arizona Corporation Commission or its Siting Committee choose either of the alternative routes, especially the 11th Avenue Route, I believe these hidden costs would quite quickly become brightly visible.

Sincerely,

Vincent Pawlowski


255 West University Boulevard

Tucson, Arizona 85705

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 2:20 PM
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

Thank you.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 2:20 PM
To: Mary Ippolito
Cc: John Foreman
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

Yes, we will file a copy of the letter which I pdf'd to you earlier today. You will receive a copy of this filing via USPS.

Thanks.

Peter

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 1:45 PM >>>
Peter

I do not have the original of the letter. So I am "assuming" that you will file what you sent me. Please confirm. THX

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 1:39 PM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

Hi Mary,

Per the Chairman: What we have is a copy of a letter filed in #149. It is his assumption that if you received this letter and it relates to #157, then you would include it in the #157 application section dealing with public input.

It would be best for you to file the letter if you received a copy of the original. If not, we will file what we have.

Please let me know ASAP.

Thanks.

Peter

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 12:03 PM >>>
Thanks

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:53 AM
To: Mary Ippolito

Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

will run this by the Chairman and get back to you.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:50 AM >>>
Peter

Per Matt Derstine, yes the letter relates to Case #157 and should be filed in Line Siting Case #157 - DeMoss Petrie. Would you going to file it? Let me know. THX

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:17 AM
To: Mary Ippolito
Cc: John Foreman
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

thanks.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:16 AM >>>
Peter

Let me check with Jason and Matt on that and I will get back to you.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:12 AM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: TEP/DeMoss Petrie Project - Case No. 157

Hi Mary,

Attached please find a letter from September 2009 which was filed in Case No. 149. My predecessor left a note in our file that this should be re-filed in the DeMoss Petrie Project when TEP filed its application.

Can you confirm that this letter a) relates to Case No. 157, and/or b) should be re-filed with the ACC?

Thank you for your assistance.

Sincerely yours,

Peter MacIrvine

(***Also, please be advised that I will be out of the office from 12/30/10 to 1/18/11. If you need assistance during that time, please contact the Chairman directly.)

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIrvine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377

peter.macilvaine@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 1:45 PM
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

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Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

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Please let me know ASAP.

Thanks.

Peter

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Thanks

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Sent: Wednesday, December 29, 2010 11:53 AM
To: Mary Ippolito
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

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>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:50 AM >>>
Peter

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-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:17 AM
To: Mary Ippolito
Cc: John Foreman
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

thanks.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:16 AM >>>
Peter

Let me check with Jason and Matt on that and I will get back to you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Wednesday, December 29, 2010 11:12 AM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: TEP/DeMoss Petrie Project - Case No. 157

Hi Mary,

Attached please find a letter from September 2009 which was filed in Case No. 149. My predecessor left a note in our file that this should be re-filed in the DeMoss Petrie Project when TEP filed its application.

Can you confirm that this letter a) relates to Case No. 157, and/or b) should be re-filed with the ACC?

Thank you for your assistance.

Sincerely yours,

Peter MacIlvaine

(**Also, please be advised that I will be out of the office from 12/30/10 to 1/18/11. If you need assistance during that time, please contact the Chairman directly.)

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 12:03 PM
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

Thanks

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:53 AM
To: Mary Ippolito
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

will run this by the Chairman and get back to you.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:50 AM >>>
Peter

Per Matt Derstine, yes the letter relates to Case #157 and should be filed in Line Siting Case #157 - DeMoss Petrie. Would you going to file it? Let me know. THX

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:17 AM
To: Mary Ippolito
Cc: John Foreman
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

thanks.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/29/2010 11:16 AM >>>
Peter

Let me check with Jason and Matt on that and I will get back to you.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Wednesday, December 29, 2010 11:12 AM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: TEP/DeMoss Petrie Project - Case No. 157

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From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 11:51 AM
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157
Attachments: San Ignacio Yaqui Ltr 9-23-09.pdf

Peter

Per Matt Derstine, yes the letter relates to Case #157 and should be filed in Line Siting Case #157 - DeMoss Petrie. Would you going to file it? Let me know. THX

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San Ignacio Yaqui Council, Inc.

785 W. Sahuaro

RECEIVED Tucson, Arizona 85705

Phone (520) 884-8527

2009 OCT -1 P 4: 03

PAD / CPA

OCT 06 2009

RECEIVED

L-000000C-09-0385-00149

L-000000C-09-0385-0449

September 23, 2009

RECEIVED
DOCKET CONTROL

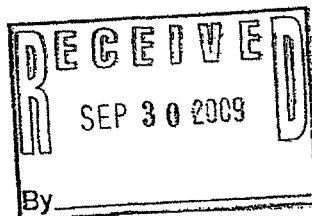
Paul Bonavia
Chairman, President and Chief Executive Officer
Tucson Electric Power Company
P.O. Box 711
Tucson, Ariz. 85702-0711

Dear Mr. Bonavia:

We are writing in regards to the DeMoss Petrie to Tucson Substation 138-kV Transmission Line Project. We know that the final preferred route for this project has not yet been determined, but we understand that one of the routes under consideration would run along 15th Avenue through, the Old Pascua Yaqui Village as well as other residential neighborhoods to the South. We are strongly opposed to this route for a number of reasons which are detailed below.

Directly adjacent to 15th Avenue is the Old Pascua Cultural Plaza, site of the original Pascua Yaqui settlement in Tucson since the 1880s. The site is listed on National Register of Historic Places and is where our Easter Lenten Ceremonies are held each year. These ceremonies and others are an important part of our cultural and religious heritage. An important part of all ceremonies is the "Alva", in which participants recite prayers while facing east towards the rising sun. If the 15th Avenue route is selected, the electrical transmission lines and required large poles will cause great spiritual harm to community members of the Pascua Yaqui Tribe and the members of the Pascua Yaqui ceremonial societies during religious ceremonies. The Yaqui shared belief is that the Sun is the Creator and during various ceremonial rituals throughout the year, community and ceremonial participants need to face the rising Sun to recite prayers and receive the blessings of the Creator. Placement of these electrical lines and poles will significantly block the direct view of the rising Sun thus infringing on the spiritual wellbeing of the members of the ceremonial societies and tribal members who live in the community.


Furthermore, we feel that transmission lines of this size and voltage not only detract esthetically from our neighborhood but also instill fear and anxiety from residents who recall the summer storm of 1982 where several of the existing power lines and poles came down on homes and streets..



While the evidence for human health impacts appears to be inconclusive, there is widespread concern among our residents about the potential effects of high voltage power lines and EMF, particularly on children. This is of special concern to us because the 15th Avenue route would run immediately next to Richey Elementary School and literally within six feet of the early childhood playground.

For all of these reasons, the 15th and 11th Avenue route should no longer be considered as a viable option for the 138-kV line sitting. We support the efforts of the Safe Power lines group and we urge you to select their route which impacts industrial areas rather than residences, schools, and historically and culturally significant sites.

Sincerely,



Arcadio Gastelum, President

San Ignacio Yaqui Council Inc.

cc: Steven W. Lynn, TEP Vice President, Communications and Government Relations

Pima County Board of Supervisors

Members of the Arizona Corporation Commission

Regina Romero, Ward 1 Tucson City Council Member

Karin Uhlich, Ward 3 Tucson City Council Member

José Rivera, Barrio Blue Moon

David Valencia, Barrio Anita

Ian Fritz, Dunbar-Spring Neighborhood

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/29/2010 11:25 AM
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

You're welcome - Have a Happy New Year.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Wednesday, December 29, 2010 11:17 AM
To: Mary Ippolito
Cc: John Foreman
Subject: RE: TEP/DeMoss Petrie Project - Case No. 157

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Fax: (602) 542-4377
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From: Mary Ippolito <mippolito@rdp-law.com>
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San Ignacio Yaqui Council, Inc.

785 W. Sahuaro

RECEIVED Tucson, Arizona 85705

Phone (520) 884-8527

2009 OCT -1 P 4: 03

September 23, 2009

RECEIVED
CORP COMMISSION
DOCKET CONTROL

PAD / CPA

OCT 06 2009

RECEIVED
L-000000C-09-0385-00149

L-000000C-09-0385-00149

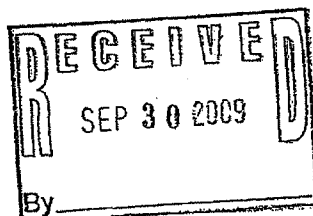
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cc: Steven W. Lynn, TEP Vice President, Communications and Government Relations

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Karin Uhlich, Ward 3 Tucson City Council Member

José Rivera, Barrio Blue Moon

David Valencia, Barrio Anita

Ian Fritz, Dunbar-Spring Neighborhood

From: Ian Johnson <ianjohn27@gmail.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 9:25 AM
Subject: Re: A quick question

Peter,

Ok, thanks for the confirmation. Enjoy your holiday!

Ian

On Dec 29, 2010, at 9:11 AM, Peter MacIrvine wrote:

> ** High Priority **
>
> Hi Ian,
>
> Per the Chairman, it is not safe for you to assume the designation in the Docket is "the official notice of intervention." You must file a motion as the Chairman previously told you at the Pre-Filing Conference. The Committee will determine whether you are allowed to intervene at the hearing.
>
> ****If you have filed a motion and did not give us a copy, please send us a copy in order for the Committee to be able to rule on your motion at the hearing.
>
> Please let me know if you have any additional questions.
>
> Please also be aware that I will be out of the office from 12/30/10 until 1/18/11. If you need to contact us during that time, please contact the Chairman directly at 602-542-7902 or john.foreman@azag.gov.
>
> Thanks.
>
> Peter
>
>
>
>>>> Ian Johnson <ianjohn27@gmail.com> 12/29/2010 8:31 AM >>>
>
> Hi Peter,
>
> Sorry to bother you again. I just noticed that my email from a couple weeks ago was docketed and stamped with the word "INTERVENTION". Is it safe to assume that this will serve as the official notice of intervention? I have downloaded the official sample and the instructions for the 13 copies, etc. but it appears it may not be necessary for me to file it.
>
> Also, if there's someone else I should direct this question to, just let me know!
>
> A screen capture from the e-Docket system:
>
>

Ian Johnson, MoiaGroup
Web Design and Development
ian@moiaigroup.com

<http://www.moiagroup.com>
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726





From: Ian Johnson <ianjohn27@gmail.com>
To: Peter.MacIrvine@azag.gov
Date: 12/29/2010 8:31 AM
Subject: A quick question
Attachments: Screen shot 2010-12-29 at 8.29.28 AM.png; Part.002

Hi Peter,

Sorry to bother you again. I just noticed that my email from a couple weeks ago was docketed and stamped with the word "INTERVENTION". Is it safe to assume that this will serve as the official notice of intervention? I have downloaded the official sample and the instructions for the 13 copies, etc. but it appears it may not be necessary for me to file it.

Also, if there's someone else I should direct this question to, just let me know!

A screen capture from the e-Docket system:

| | | | | | | |
|--|---|------------|---|-------------|--|------------|
|  |  | 12/28/2010 | Application / Motion to Intervene | Ian Johnson | | 0000121637 |
|  |  | | | | | |

From: Ian Johnson <ianjohn27@gmail.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/27/2010 6:14 PM
Subject: Re: TEP DeMoss Petrie to Tucson Project

Thanks Peter. I will do so well before the ten day requirement.

Ian

On Dec 27, 2010, at 8:22 AM, Peter MacIlvaine wrote:

> ** High Priority **

>

> Hi Ian,

>

> As an intervenor, you need to file an appropriate motion soon and follow the requirements of the procedural order as the Chairman explained in the pre-filing conference.

>

> Please let me know if you have any questions.

>

> Thanks.

>

> Peter

>

> In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

>

>

> Peter MacIlvaine

> Assistant to Chairman

> Arizona Power Plant and Transmission Line Siting Committee

> Office of the Attorney General

> Tel: (602) 542-7760

> Fax: (602) 542-4377

> peter.macilvaine@azag.gov

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>

>

>>>> Ian Johnson <ianjohn27@gmail.com> 12/22/2010 2:35 PM >>>

>

> Peter,

>

> I received some additional feedback from people more familiar with the intervention process, and I've decided that I would like to intervene. I fully support the preferred route indicated in TEP's application and have no plans to testify about anything specifically, so unless the Committee decides to push for one of the non-preferred routes my presence at the table should not add any additional time to the schedule. I just want to make sure that the residents in the area have a voice during the discussion should any issues or questions arise during the process. To be clear, I plan to intervene as an individual ratepayer and not as the formal representative for any group.

>

> Please do let me know if there's anything I need to do or anyone I need to inform.

>
> Thanks again for your help with this,
>
> Ian
>
> -----
>
> Ian Johnson
> 520-248-9810
> Citizens for Safe Powerlines
> <http://www.safepowerlines.org>
>
>
>
>

Ian Johnson, MoiaGroup
Web Design and Development
ian@moigroup.com
<http://www.moigroup.com>
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

From: Peter MacIlvaine
To: Ian Johnson
Date: 12/21/2010 4:33 PM
Subject: Re: TEP DeMoss Petrie to Tucson Project

Thanks for letting us know. Should your plans change, please keep us posted ASAP.

Regards,

Peter

>>> Ian Johnson <ianjohn27@gmail.com> 12/21/2010 4:30 PM >>>

Peter,

At this point I will probably hold off and simply provide public comment in forum provided by the process; the preferred route looks great to me and to most of the folks I've been working with, so it doesn't seem necessary to present any specific information.

I have been spreading news about the case with the community members I'm in touch with, so hopefully those most interested in the application will come to the hearings well-informed about the history of the case.

thanks again,

Ian

On Dec 21, 2010, at 8:41 AM, Peter MacIlvaine wrote:

> Hi Ian,
>
> Per the Chairman, your prior e-mail is sufficient if you do not want to intervene.
>
> However, the Chairman recalls that you talked about presenting some sort of spreadsheet or memo on real estate values. If you still want to do that, you need to get the document(s) to us, to the Applicant and to file it with Docket Control before the hearing. The sooner the better actually.
>
> Please advise if you intend to do anything as noted above.
>
> Thanks,
>
> Peter
>
>>>> Ian Johnson <ianjohn27@gmail.com> 12/20/2010 4:44 PM >>>>
>
> Hi Peter,
>
> I just wanted to let you know that I've had a chance to review the application and consider our options, and I am not currently planning to intervene. Please do let me know if this notice is

sufficient, or if there's someone else I should inform.

>

> thanks much,

>

> Ian

>

> On Dec 16, 2010, at 11:54 AM, Peter MacIlvaine wrote:

>

>> Mr. Johnson,

>>

>> Per the discussion at yesterday's Pre-filing Conference, attached please find copies of: 1. Draft Pre-Hearing Procedural Order; and 2. Draft CEC Conditions.

>>

>> Please let me know if you have any questions.

>>

>> Sincerely yours,

>>

>> Peter MacIlvaine

>>

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>>

>>

>> Peter MacIlvaine

>> Assistant to Chairman

>> Arizona Power Plant and Transmission Line Siting Committee

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>>

>>

>>>> Ian Johnson <ianjohn27@gmail.com> 12/15/2010 2:08 PM >>>

>>

>> Yes, it sure is. Thanks much.

>>

>> Ian

>>

>> On Dec 15, 2010, at 2:07 PM, Peter MacIlvaine wrote:

>>

>>> Mr. Johnson,

>>>

>>> Please confirm that we have the correct e-mail address.

>>>>

>>>> Thank you.

>>>>

>>>> Sincerely yours,

>>>>

>>>> Peter MacIlvaine

>>>>

>>>>

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>>>> Peter MacIlvaine

>>>> Assistant to Chairman

>>>> Arizona Power Plant and Transmission Line Siting Committee

>>>> Office of the Attorney General

>>>> Tel: (602) 542-7760

>>>> Fax: (602) 542-4377

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>>>>

>>>>

>>

>>

>>

>> Ian Johnson, MoiaGroup

>> Web Design and Development

>> ian@moiaigroup.com

>> <http://www.moiaigroup.com>

>> P.O. Box 1136, Tucson, AZ 85702

>> (520) 302-4726

>>

>>

>> <Draft PRE-HEARING PROCEDURAL ORDER.pdf><DRAFT CEC
CONDITIONS.pdf>

>

>

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> Hi Peter,
>
> I just wanted to let you know that I've had a chance to review the application and consider our options, and I am not currently planning to intervene. Please do let me know if this notice is sufficient, or if there's someone else I should inform.
>
> thanks much,
>
> Ian
>
> On Dec 16, 2010, at 11:54 AM, Peter MacIrvine wrote:
>
>> Mr. Johnson,
>>
>> Per the discussion at yesterday's Pre-filing Conference, attached please find copies of: 1. Draft Pre-Hearing Procedural Order; and 2. Draft CEC Conditions.
>>
>> Please let me know if you have any questions.

>>

>> Sincerely yours,

>>

>> Peter MacIlvaine

>>

>> In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

>>

>>

>> Peter MacIlvaine

>> Assistant to Chairman

>> Arizona Power Plant and Transmission Line Siting Committee

>> Office of the Attorney General

>> Tel: (602) 542-7760

>> Fax: (602) 542-4377

>> peter.macilvaine@azag.gov

>>

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>>

>>

>>>> Ian Johnson <ianjohn27@gmail.com> 12/15/2010 2:08 PM >>>

>>

>> Yes, it sure is. Thanks much.

>>

>> Ian

>>

>> On Dec 15, 2010, at 2:07 PM, Peter MacIlvaine wrote:

>>

>>> Mr. Johnson,

>>>

>>> Please confirm that we have the correct e-mail address.

>>>

>>> Thank you.

>>>

>>> Sincerely yours,

>>>

>>> Peter MacIlvaine

>>>

>>>

>>> In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

>>>

>>>

>>> Peter MacIlvaine

>>> Assistant to Chairman

>>> Arizona Power Plant and Transmission Line Siting Committee

>>> Office of the Attorney General

>>> Tel: (602) 542-7760

>>> Fax: (602) 542-4377

>>> peter.macilvaine@azag.gov

>>>

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review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>>

>>>

>>

>>

>>

>> Ian Johnson, MoiaGroup

>> Web Design and Development

>> ian@moigroup.com

>> <http://www.moigroup.com>

>> P.O. Box 1136, Tucson, AZ 85702

>> (520) 302-4726

>>

>>

>> <Draft PRE-HEARING PROCEDURAL ORDER.pdf><DRAFT CEC CONDITIONS.pdf>

>

>

>

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>

>

Ian Johnson, MoiaGroup

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P.O. Box 1136, Tucson, AZ 85702

(520) 302-4726

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/21/2010 10:38 AM
Subject: RE: Case No. 157/TEP DeMoss Petrie Agenda

Thanks again - you are really cranking things out.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Tuesday, December 21, 2010 10:37 AM
To: Mary Ippolito
Cc: azrs@az-reporting.com; Shaylin A. Bernal; ianjohn27@gmail.com; Jason Gellman
Subject: Case No. 157/TEP DeMoss Petrie Agenda

Hi Mary,

Attached please find a copy of the Agenda in the above-referenced matter. This document will be filed with the ACC on 12/21/10.

Please let me know if you have any questions.

Thanks.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Peter MacIlvaine
To: Mary Ippolito
CC: azrs@az-reporting.com; ianjohn27@gmail.com; Jason Gellman; Shaylin A....
Date: 12/21/2010 10:37 AM
Subject: Case No. 157/TEP DeMoss Petrie Agenda
Attachments: #157 Agenda.pdf

Hi Mary,

Attached please find a copy of the **Agenda** in the above-referenced matter. This document will be filed with the ACC on 12/21/10.

Please let me know if you have any questions.

Thanks.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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1
2
3 **BEFORE THE ARIZONA POWER PLANT**
4 **AND TRANSMISSION LINE SITING COMMITTEE**

5 IN THE MATTER OF THE APPLICATION OF
6 TUCSON ELECTRIC POWER COMPANY FOR A
7 CERTIFICATE OF ENVIRONMENTAL
8 COMPATIBILITY AUTHORIZING THE
9 CONSTRUCTION OF A SINGLE 138 Kv
10 TRANSMISSION LINE AND ASSOCIATED
11 FACILITIES FROM THE EXISTING DEMOSS
12 PETRIE SUBSTATION IN SECTION 35, T. 13 S.,
13 R. 13 E., TO THE EXISTING TUCSON
14 SUBSTATION IN SECTION 12, T. 14 S., R. 13 E.,
15 IN THE CITY OF TUCSON, PIMA COUNTY,
16 ARIZONA.

Docket No. L-00000C-10-0507-00157

Case No. 157

AGENDA

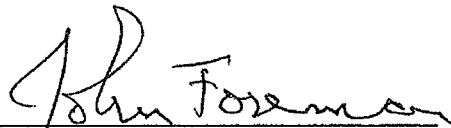
17 Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general
18 public, the parties and the Arizona Power Plant and Transmission Line Siting Committee
19 ("Committee") that the Committee will hold a meeting/hearing on the above application that is
20 open to the public at the Viscount Suite Hotel at 4855 E. Broadway, Tucson AZ 85711.
21 Telephone: 520-745-6500. The hearing will begin on Monday, January 24, 2011, at 9:30 a.m.
22 It will continue on Tuesday, January 25, 2011, at 8:30 a.m., if a tour is taken, otherwise it will
23 begin at 9:30 a.m. If the hearing has not concluded, it will continue on Wednesday, January
24 26, 2011, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day.
25 Public comment will be taken during the hearing at times designated by the Chairman. Public
26 comment also will be taken in a special evening session on January 24, 2011, at 6:00 p.m. at
27 the same location. Additional days for the hearing may be set, and the hearing may conclude
earlier or later than anticipated, depending upon the number of parties that intervene, the
amount of testimony presented, the amount of public comment, and the time needed for
deliberations by the Committee. As a part of the public meeting/hearing, members of the
Committee will discuss the potential value of a tour, and, at the discretion of the Chairman of
the Committee, may tour the alternative proposed transmission line routes for the project on
January 25, 2011, beginning at 8:30 a.m. At the meeting/hearing, the Committee may
consider, discuss, deliberate and/or vote on the matters on the Agenda. Items on the Agenda
may be taken in a different order than listed as conditions require.

1. Call to Order;
2. Roll Call;
3. Consideration of and vote upon any requests to intervene;

- 1 4. Hearing on the application;
- 2 5. Public Comment;
- 3 6. Discussion of potential value of a tour of the proposed route;
- 4 7. If it is decided a tour would be valuable, the Committee will travel along the route,
5 following an itinerary which will be available at the hearing. A detailed description of
6 the tour route and itinerary, including a map, will be on file at the Arizona Corporation
7 Commission. Members of the public may follow the Committee's tour by use of their
8 own private vehicles. No testimony or discussion with or between Committee
9 Members about the Application or matters relating to the Application will take place,
10 except on the record before a court reporter at the designated stops. The Chairman of
11 the Committee will make any procedural decisions needed concerning the tour at the
12 stops;
- 13 8. Discussion of proposed Findings of Fact, Conclusions of Law, the Certificate of
14 Environmental Compatibility and conditions to the Certificate of Environmental
15 Compatibility;
- 16 9. Vote and decision concerning Findings of Fact, Conclusions of Law, the Certificate of
17 Environmental Compatibility and conditions to the Certificate of Environmental
18 Compatibility; and,
- 19 10. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602) 542-3931, e-mail: sabernal@azcc.gov. Requests should be made as early as possible to arrange the accommodation. All materials relating to the hearing, including any tour, may be found at the Docket Control of the Arizona Corporation Commission, 1200 W. Washington Street, Phoenix, AZ 85007, first floor.

DATED this 21st day of December, 2010.


John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
filed this 21st day of December, 2010 with:

3 Docket Control
4 Arizona Corporation Commission
1200 W. Washington Street
5 Phoenix, AZ 85007

6
7 Copy of the above was mailed
this 21st day of December, 2010 to:

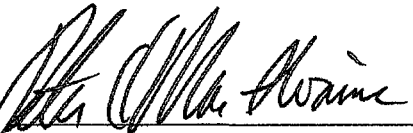
8
9 Janice Alward, Chief Counsel
Arizona Corporation Commission
10 1200 W. Washington Street
Phoenix, AZ 85007

11 ***Counsel for Legal Division Staff***

12
13 J. Matthew Derstine, Esq.
Jason D. Gellman, Esq.
14 Roshka, DeWul & Patten, PLC
400 E. Van Buren Street, Suite 800
15 Phoenix, AZ 85004

16 ***Attorneys for Applicant, Tucson Electric Power Company***

17 Marta T. Hetzer
Arizona Reporting Service, Inc.
18 2200 N. Central Avenue
Phoenix, AZ 85004-1481

19
20
21 
22
23

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/21/2010 10:35 AM
Subject: RE: Case No. 157/TEP DeMoss Petrie Procedural Order

Thank you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Tuesday, December 21, 2010 10:34 AM
To: Mary Ippolito
Cc: ianjohn27@gmail.com; Jason Gellman
Subject: Case No. 157/TEP DeMoss Petrie Procedural Order

Hi Mary,

Attached please find a copy of the Procedural Order in the above-referenced matter. This document will be filed with the ACC on 12/21/10.

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Peter MacIlvaine
To: Mary Ippolito
CC: ianjohn27@gmail.com; Jason Gellman
Date: 12/21/2010 10:34 AM
Subject: Case No. 157/TEP DeMoss Petrie Procedural Order
Attachments: #157 Procedural Order.pdf

Hi Mary,

Attached please find a copy of the **Procedural Order** in the above-referenced matter. This document will be filed with the ACC on 12/21/10.

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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1 **BEFORE THE ARIZONA POWER PLANT AND**
2 **TRANSMISSION LINE SITING COMMITTEE**

3 IN THE MATTER OF THE APPLICATION OF)
4 TUCSON ELECTRIC POWER COMPANY FOR A)
5 CERTIFICATE OF ENVIRONMENTAL) Docket No. L-00000C-10-0507-
6 COMPATIBILITY AUTHORIZING THE) 00157
7 CONSTRUCTION OF A SINGLE 138 Kv) Case No. 157
8 TRANSMISSION LINE AND ASSOCIATED)
9 FACILITIES FROM THE EXISTING DEMOSS)
10 PETRIE SUBSTATION IN SECTION 35, T. 13 S., R.)
11 13 E., TO THE EXISTING TUCSON SUBSTATION)
12 IN SECTION 12, T. 14 S., R. 13 E., IN THE CITY OF)
13 TUCSON, PIMA COUNTY, ARIZONA.

14 **PROCEDURAL ORDER**

15 Applications for Certificates of Environmental Compatibility were filed in the
16 above captioned, consolidated matter with docket control of the Arizona Corporation
17 Commission ("Commission") on December 17, 2010. A copy of the application was
18 transmitted to John Foreman, designee of the Attorney General of Arizona, as
19 Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and
20 Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-
21 360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-
22 360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

23 **IT IS ORDERED:**

- 24 1. The Applicant and all other potential parties ("persons" within the meaning of
25 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
26 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time
of the pre-hearing conference scheduled below if they disagree that the time limit
for decision on the application by the Line Siting Committee set by A.R.S. §
40.360.04(D) is June 15, 2011.
2. The Applicant shall arrange for the timely publication and posting of notice of the
evidentiary hearing, as agreed to at the pre-application hearing involving the
Applicant in a form approved by the Chairman. In addition, the Applicant shall
submit a copy of the notice and present testimony describing the publication and
posting of the notice at the evidentiary hearing.

3. The Applicant shall make arrangements for the evidentiary hearing to be held at the Viscount Suite Hotel, 4855 E. Broadway, Tucson, AZ 85711; telephone: 520-745-6500, beginning on Monday, January 24, 2011, continuing on Tuesday, January 25, 2011, and, if necessary, on Wednesday, January 26, 2011. All hearings will begin at 9:30 a.m. unless a tour is taken. If a tour is taken it will be begin on January 25, 2011, at 8:30 a.m. A public comment session will be held on Monday, January 24, 2011, beginning at 6:00 p.m. The Applicant shall make arrangements for further regular sessions, if needed, and additional public comment sessions, if needed, on dates, at times and at places to be determined later.
4. The Applicant shall contact the appropriate member of the staff of the Commission, and advise them of the Applicant's position concerning reimbursement of the Line Siting Fund should the expenses of the hearings exceed the application fee, and to discuss financial arrangements regarding hotel reservations and other expenses of the Line Siting Committee Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the results of these discussions so the necessary information may be communicated to the Line Siting Committee Members.
5. The Applicant shall provide a copy of this order to any other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who express an intention to intervene to the Applicant or who request to intervene pursuant to A.R.S. § 40-360.05(A)),
6. The Applicant and all other potential parties shall meet and confer, on or before the beginning of the evidentiary hearing to determine whether any of the potential parties have similar interests in the application process that will allow them jointly to present testimony on direct or cross-examination of witnesses or jointly to offer exhibits into evidence. The Applicant shall, and any other potential party may, report to the Chairman the results of the attempts of the parties to resolve the issues and to determine if common interests exist that will allow parties to jointly present evidence and argument or to avoid repetition of testimony and argument at the hearing.
7. The parties and any other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line Siting Committee about any procedural matters or any factual issues or legal issues relating to the Application while the Application is pending before the Line Siting Committee. The only exception is the parties may communicate with the Chairman, during the time the Application is pending, about procedural matters relating to the preparation of the Application for hearing, the hearing on the Application and the decision on the Application by the Line Siting Committee. Communication of the parties with the Chairman about any procedural matters, during the time an Application is pending, shall be in writing with a copy of the

1 written communication to all parties or known potential parties ("persons" within
2 the meaning of A.R.S. § 40-360(8) who have expressed an intention to intervene
3 or request to intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the
4 record at a pre-application hearing, at a procedural hearing or at the hearing on
5 the application. Any party who initiates any written communication sent to the
6 Chairman shall file, with docket control of the Commission, a copy of the
7 communication, including its distribution list, within 10 days of sending the
8 communication.

9 8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
10 submit, at least forty-eight hours before the hearing or meeting described in the
11 agenda, any objections, additions or corrections to the agenda, in order to bring
12 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
13 serve a copy upon all other parties and file a copy with docket control of the
14 Commission.

15 9. In addition, all parties shall meet and confer as needed before, during and after
16 the hearing to attempt to resolve any disputes amongst the parties. The parties
17 also shall keep all other parties advised of their positions and intentions with
18 regard to the presentation of evidence, witnesses and the application process in
19 general to avoid delay, the presentation of repetitive evidence and any unfair
20 advantage from surprise.

21 10. All parties shall prepare brief summaries of the expected direct testimony of each
22 witness they will call. In lieu of a testimonial summary, a party may pre-file and
23 exchange all or substantially all of the direct testimony of any witness.
24 Testimonial summaries and pre-filed testimony should be filed no later than the
25 last pre-hearing conference or three business days before the witness is to
26 testify, whichever is later. Except for good cause, no witness will be allowed to
testify on direct examination concerning issues not reasonably identified in the
pre-filed testimony or testimonial summary.

11. All parties shall meet, confer and exchange all exhibits the party plans to offer in
evidence before the hearing or before they are referred to in testimony or offered
in evidence. The Applicant shall, and other parties may, provide one or more
three ring binders for the Chairman and each member of the Line Siting
Committee to hold exhibits at the beginning of the hearing and as needed during
the hearing. Each party shall prepare a numbered list of the exhibits and a copy
of all exhibits suitable for placement in the binders that have been exchanged
with the other parties that each party expects to offer in evidence at the hearing
for the Chairman and each Line Siting Committee member. The exhibits shall be
provided at the beginning of the hearing and during the hearing before reference
to the exhibit is made in the hearing. Except for good cause, no exhibit that was
not exchanged with the other parties shall be considered at the hearing. Any
exhibit to which reference is made during any hearing that is not offered or

admitted into evidence shall be provided to the court reporter at the evidentiary hearing for inclusion in the record unless it is withdrawn, and the Chairman determines its filing is not necessary to an understanding of the actions of the Committee.

12. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: T-1, T-2, etc. Each intervening party will be assigned by the Chairman a letter or letters of the alphabet as a preface with which to consecutively number its exhibits.

13. The Applicant may make an opening statement at the beginning of the hearing of no more than thirty minutes. Each other party may make an opening statement of no more than five minutes.

14. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 3, above.

15. In the event the Chairman determines that a tour is appropriate, the Applicant shall arrange for transportation of any Committee Members who wish to attend a tour of the locations where facilities proposed in the application or similar facilities are located. If a tour is held, the Applicant shall submit to the Chairman, for approval in advance of the hearing, a schedule and protocol agreed to by all parties for the tour. If all parties do not agree upon the schedule and protocol for the tour, the disagreements shall be submitted to the Chairman for resolution. The protocol shall identify the tour route, identify the location of any stops, and identify any witnesses who will accompany the tour. Counsel may ask brief explanatory questions of the identified witness or witnesses during the stops about the location, what can be seen from the location of the stop and the relevance of the location or view to the Application in the discretion of the Chairman. All witnesses who testify on the tour shall be sworn before their testimony. All questions and answers shall be before a court reporter. No testimony or discussion with or between Committee Members about the Application or matters relating to the Application will take place, except on the record before a court reporter at the designated stops. The protocol shall provide for access to any testimony presented at stops on a tour to members of the public. Members of the public who wish to attend the tour shall be encouraged to notify the parties or the appropriate staff of Arizona Corporation Commission in advance of their intention to attend.

16. Parties may present their witnesses in panels where appropriate. A party that intends to present witnesses in panels shall identify the members of any panel at the time it files its witness summaries.

17. The Applicant shall make arrangements for the preparation of expedited court reporter transcripts of all pre-application hearings, pre-hearing procedural hearings and the evidentiary hearing, so that the transcripts are available for public inspection within three working days after each hearing date, as required by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a certification with Commission docket control that it has provided a copy of the transcripts to at least two public libraries identified in the certification that are in the vicinity of the application.

18. On or before the final pre-hearing procedural hearing set below, the Applicant shall, and the other parties may, file proposed findings of fact, proposed conclusions of law, the wording of any proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate.

19. If the beginning of closing arguments and the Line Siting Committee's deliberations are more than one week after the beginning of the hearing, the parties shall meet and confer after the hearing begins and before closing arguments concerning proposed findings of fact, proposed conclusions of law, a proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate. If the parties are able to agree upon part or all of the proposed findings of fact, proposed conclusions of law, proposed forms of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate, all that is agreed upon should be reduced to writing and filed with Commission docket control. If the parties are not able to agree completely, the Applicant shall, and all other parties may, file proposed findings of fact, proposed conclusions of law, proposed wording of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate on the day before the beginning of closing arguments and the Line Siting Committee's deliberations.

20. If the Applicant or any other party proposes conditions based upon conditions used in prior cases, each proposed condition from a prior case shall contain the case number of the most recent prior Certificate of Environmental Compatibility using the language approved by the Commission.

21. All witness summaries, proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions of Certificates, shall be filed with Commission docket control pursuant to A.A.C. R14-3-204 and -205. If any documents that are filed are hand delivered during the hearing, eleven copies shall be submitted to the Chairman for distribution to the other Committee Members.

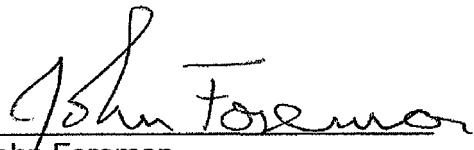
22. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing conference on January 19, 2011, beginning at 2:00 p.m. at the offices of the

1 Attorney General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties
2 other than the Applicant may appear by telephone with the prior permission of
3 the Chairman. At the final pre-hearing conference, the Chairman will review with
4 the parties:

- 5 a. The publication and posting of notices of the hearing;
6 b. The proposed agenda for the evidentiary hearing;
7 c. Any notices to intervene, applications to intervene, and applications to
8 make a limited appearance;
9 d. The status of attempts to narrow the issues at the evidentiary hearing or to
10 agree to language in the proposed findings of fact, proposed conclusions
11 of law, proposed Certificates of Environmental Compatibility and proposed
12 conditions to the Certificate;
13 e. The status of the filing and exchange of witness summaries or written
14 testimony, proposed findings of fact, proposed conclusions of law,
15 proposed Certificates of Environmental Compatibility and proposed
16 conditions to the Certificate;
17 f. The status of the exchange of exhibits amongst the parties;
18 g. Any objections, motions, responses and legal memoranda that have been
19 filed;
20 h. Plans and preparations for the hearing, public comment session, and tour
21 of the proposed site.

22 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
23 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
24 conference or at a hearing.
25
26

DATED this 21st day of December, 2010.


John Foreman
Assistant Attorney General
Chairman
Arizona Power Plant and Transmission
Line Siting Committee
john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed this 21st day of December, 2010, with:

4 Utilities Division-Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007
8

9 Copy of the above mailed
10 this 21st day of December, 2010 to:

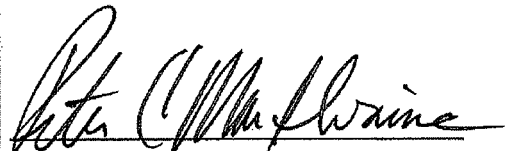
11 Janice Alward
12 Chief Counsel, Legal Division
13 Arizona Corporation Commission
14 1200 W. Washington Street
15 Phoenix, AZ 85007

16 ***Counsel for Legal Division Staff***

17 J. Matthew Derstine, Esq.
18 Jason D. Gellman, Esq.
19 Roshka, DeWulf & Patten, PLC
20 400 E. Van Buren Street, Suite 800
21 Phoenix, AZ 85004

22 ***Attorneys for Applicant Tucson Electric Power Company***

23 Marta T. Hetzer
24 Arizona Reporting Service, Inc.
25 2200 N. Central Avenue
26 Phoenix, AZ 85004-1481



From: Peter MacIlvaine
To: Ian Johnson
Date: 12/21/2010 8:41 AM
Subject: Re: TEP DeMoss Petrie to Tucson Project

Hi Ian,

Per the Chairman, your prior e-mail is sufficient if you do not want to intervene.

However, the Chairman recalls that you talked about presenting some sort of spreadsheet or memo on real estate values. If you still want to do that, you need to get the document(s) to us, to the Applicant and to file it with Docket Control before the hearing. The sooner the better actually.

Please advise if you intend to do anything as noted above.

Thanks,

Peter

>>> Ian Johnson <ianjohn27@gmail.com> 12/20/2010 4:44 PM >>>

Hi Peter,

I just wanted to let you know that I've had a chance to review the application and consider our options, and I am not currently planning to intervene. Please do let me know if this notice is sufficient, or if there's someone else I should inform.

thanks much,

Ian

On Dec 16, 2010, at 11:54 AM, Peter MacIlvaine wrote:

> Mr. Johnson,

>

> Per the discussion at yesterday's Pre-filing Conference, attached please find copies of: 1. Draft Pre-Hearing Procedural Order; and 2. Draft CEC Conditions.

>

> Please let me know if you have any questions.

>

> Sincerely yours,

>

> Peter MacIlvaine

>

> In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

>

>

> Peter MacIlvaine

> Assistant to Chairman
> Arizona Power Plant and Transmission Line Siting Committee
> Office of the Attorney General
> Tel: (602) 542-7760
> Fax: (602) 542-4377
> peter.macilvaine@azag.gov
>

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>

>

>>>> Ian Johnson <ianjohn27@gmail.com> 12/15/2010 2:08 PM >>>

>

> Yes, it sure is. Thanks much.

>

> Ian

>

> On Dec 15, 2010, at 2:07 PM, Peter MacIlvaine wrote:

>

>> Mr. Johnson,

>>

>> Please confirm that we have the correct e-mail address.

>>

>> Thank you.

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>> Sincerely yours,

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> Web Design and Development
> ian@moigroup.com
> <http://www.moigroup.com>
> P.O. Box 1136, Tucson, AZ 85702
> (520) 302-4726
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> <Draft PRE-HEARING PROCEDURAL ORDER.pdf><DRAFT CEC CONDITIONS.pdf>

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P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

From: Peter MacIlvaine
To: Ian Johnson
Date: 12/20/2010 4:53 PM
Subject: Re: TEP DeMoss Petrie to Tucson Project

I'll let the Chairman know and get back to you.

Thanks.

Peter

>>> Ian Johnson <ianjohn27@gmail.com> 12/20/2010 4:44 PM >>>

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To: Peter.MacIlvaine@azag.gov
Date: 12/20/2010 4:44 PM
Subject: Re: TEP DeMoss Petrie to Tucson Project

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http://www.moigroup.com
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/20/2010 3:26 PM
Subject: RE: Case No. 157/TEP DeMoss Petrie Notice of Hearing

Thank you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Monday, December 20, 2010 3:24 PM
To: Mary Ippolito
Cc: azrs@az-reporting.com; Charles Hains; Janice Alward; ianjohn27@gmail.com; Jason Gellman
Subject: Case No. 157/TEP DeMoss Petrie Notice of Hearing

Hi Mary,

Attached please find a signed copy of the Notice of Hearing in the above-referenced matter. It will be filed this afternoon with Docket Control at the ACC.

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Peter MacIlvaine
To: Mary Ippolito
CC: azrs@az-reporting.com; Charles Hains; ianjohn27@gmail.com; Janice Alw...
Date: 12/20/2010 3:23 PM
Subject: Case No. 157/TEP DeMoss Petrie Notice of Hearing
Attachments: #157 Notice of Hearing.pdf

Hi Mary,

Attached please find a signed copy of the **Notice of Hearing** in the above-referenced matter. It will be filed this afternoon with Docket Control at the ACC.

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

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Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
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**BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF A SINGLE 138 kV
TRANSMISSION LINE AND ASSOCIATED
FACILITIES FROM THE EXISTING DEMOSS
PETRIE SUBSTATION IN SECTION 35,
T.13S., R.13E., TO THE EXISTING TUCSON
SUBSTATION IN SECTION 12, T.14S., R.13E.,
IN THE CITY OF TUCSON, PIMA COUNTY,
ARIZONA.

Docket No. L-00000C-10-0507-00157

Case No. 157.

NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of Tucson Electric Power Company ("TEP") for a Certificate of Environmental Compatibility authorizing the construction of a single 138 kV transmission line from the existing DeMoss Petrie ("DMP") Substation to the existing Tucson Substation in the City of Tucson, Pima County, Arizona ("Project").

The hearing will be held at the Viscount Suite Hotel at 4855 East Broadway, Tucson, Arizona. The hearing is scheduled to begin Monday, January 24, 2011, at 9:30 a.m. The hearing will continue as necessary on Tuesday, January 25, 2011, at 9:30 a.m. If a tour is taken, the tour will take place starting at 8:30 a.m. on Tuesday, January 25, 2011 with the hearing continuing upon the conclusion of the tour. If the hearing is not concluded, it will continue on Wednesday, January 26, 2011, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on all days. Additional hearing days, if necessary, will be noticed on the Applicant's and Arizona Corporation Commission ("ACC") websites.

The Applicant's website with Project information is:
<http://www.tep.com/Company/News/DMP/index.asp>

The page of the ACC Website at which notice will be given is the Committee's Hearing Calendar page, available at:
http://www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp

Copies of the Application and Transcripts will be available for inspection at the following locations:

Joel D. Valdez Main Library, 101 N. Stone Ave., Tucson, Arizona 85701

PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF EACH HEARING DAY OR AT OTHER TIMES DURING THE HEARING AT THE DISCRETION OF THE CHAIRMAN OF THE COMMITTEE. IN ADDITION, A SEPARATE EVENING PUBLIC COMMENT SESSION WILL BE HELD MONDAY, JANUARY 24, 2011, AT 6:00 P.M. AT THE VISCOUNT SUITE HOTEL AT 4855 EAST BROADWAY, TUCSON, ARIZONA.

The Committee, at its discretion, may conduct a tour of the Project area and the proposed routes. If a tour is conducted, a map and itinerary for the tour will be available at the hearings. Members of the public may follow the Committee in their own private vehicles. During the tour, the Committee may hear brief testimony at stops on the tour from one or more witnesses concerning where the stops are located, what is visible at the stops and the relevance of the location and view to the proposed routes of the transmission line in the Application. No other discussion or deliberation concerning the Application will occur. A court reporter will transcribe any testimony taken on the tour.

Depending on the issues raised and the number of interveners appearing during the hearing, the Committee may deem it appropriate at some point to recess the hearing to a time and place to be announced during the hearing, or to be determined after the recess. The date, time and place at which the hearing will be resumed will be posted on the TEP Project website and the Committee's Hearing Calendar page of the ACC website.

NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN; BUT PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT REQUIRED.

The Project consists of a new single-circuit 138kV transmission line approximately 2.3 to 2.6 miles in length from the existing TEP DeMoss Petrie Substation to the existing TEP Tucson Substation. The transmission line structures will be mostly monopole structures between 75 to 100 feet high, but structures adjacent to Interstate 10 ("I-10") crossings may be as high as 170 feet. The purpose of this project is to provide additional capacity and increase reliability throughout the Tucson metropolitan area.

TEP is proposing a preferred route and two alternative routes for Committee consideration:

- Freeway Route - Preferred Route: Beginning at the DMP Substation, this route proceeds in a southeasterly direction, east of and adjacent to the Union Pacific Railroad Right-of-Way ("UPRR ROW"), crossing Grant Road and then continuing in a southerly direction for approximately 0.5 mile. The route then crosses the UPRR ROW, proceeding south adjacent to and immediately east of the westbound I-10 frontage road for approximately 0.75 mile. The route then proceeds west approximately 0.1 mile, crossing over to the west side of I-10 in the vicinity of Speedway Boulevard. The route continues south, adjacent to and immediately west of the eastbound I-10 frontage road for approximately 0.5 mile, and then east for approximately 0.4 mile, crossing over I-10. The route then proceeds east along St. Mary's Road for 0.2 mile and continues adjacent to TEP's existing 138kV line – crossing Granada Avenue, Main Avenue and the UPRR ROW, terminating at the Tucson Substation.

- Speedway Crossover Route: Beginning at the DMP Substation, this route proceeds in a southeasterly direction, east of and adjacent to the UPRR ROW for approximately 0.5 mile. It then crosses the UPRR ROW, proceeding south adjacent to and immediately east of the westbound I-10 frontage road for approximately 0.75 mile. The route then proceeds east, along the south side of Speedway Boulevard, for approximately 0.4 mile. It then proceeds south along the west side of Main Avenue for approximately 0.4 mile where it meets the UPRR ROW, and then heads in a southeasterly direction approximately 0.1 mile, northeast of the UPRR ROW, and terminating at the Tucson Substation.
- 11th Avenue Route: Beginning at the DMP Substation, this route proceeds in a southeasterly direction, east of and adjacent to the UPRR ROW for approximately 0.25 mile. The route then proceeds east for approximately 0.9 mile along the south side of Grant Road and turns south onto 11th Avenue. The route then proceeds along the west side of 11th Avenue for approximately 1.4 miles, terminating at the Tucson Substation.

For all of the routes, TEP intends to collocate a 46kV distribution line with the Project. TEP is requesting approval of a corridor with a width of 300 feet in order to provide flexibility for the Project pending final design and engineering for the Project.

More complete maps, along with more detailed textual descriptions of the proposed route are available in the Application and on the Applicant's website. The Application (which includes detailed maps of the proposed Project) is on file with the Docket Control of the Arizona Corporation Commission, 1200 West Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress Street, Suite 221, Tucson, Arizona 85701 in addition to the Valdez Main Library listed above. The Application is also available through the ACC's e-Docket function (www.edocket.azcc.gov).

Each county and municipal government and state agency interested in the proposed Project and desiring to become a party in the proceeding must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

Any domestic, non-profit corporation or association, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote customer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the Project is to be located and desiring to become a party to the certification proceedings must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

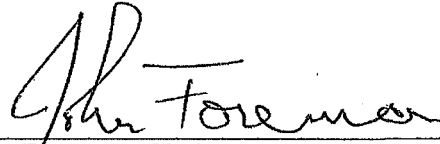
The Committee or its Chairman, at any time deemed appropriate, may make other persons parties to the proceeding.

Any person may make a limited appearance at a hearing by filing a statement in writing with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, and the Chairman of the Committee at 1275 West

Washington Street, Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A person making a limited appearance shall not be a party or have the right to present testimony or cross-examine witnesses.

This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 through 40-360.13 and Arizona Administrative Code R14-3-201 through R14-3-219. No substantive communication, not in the public record, may be made to any member of the Committee. The written decision of the Committee will be submitted to the Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person intending to be a party before the Arizona Corporation Commission must be a party to the certification proceedings before the Committee.

ORDERED this 20th day of December, 2010.

A handwritten signature in black ink, appearing to read "John Foreman", written over a horizontal line.

John Foreman, Chairman
ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE
Assistant Attorney General

Peter MacIlvaine - Notice of Hearing

From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/20/2010 1:45 PM
Subject: Notice of Hearing
CC: MJerden@tep.com; mippolito@rdp-law.com; EBeck@tep.com
Attachments: DMP_Notice_Hearing_FINAL.doc; DMP-Tucson_CEC-Notice.pdf

Peter,

We have the docket number for the notice of hearing. I added it to the notice of hearing attached to this email. I think the only thing that remains needed is the Chairman's signature. Thanks.

Jason D. Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: jgellman@rdp-law.com

For more information about Roshka DeWulf & Patten, please see our website at www.rdp-law.com.

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IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
A CERTIFICATE OF ENVIRONMENTAL
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CONSTRUCTION OF A SINGLE 138 kV
TRANSMISSION LINE AND ASSOCIATED
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Docket No. L-00000C-10-0507-0157/

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route proceeds in a southeasterly direction, east of and adjacent to the UPRR ROW for approximately 0.5 mile. It then crosses the UPRR ROW, proceeding south adjacent to and immediately east of the westbound I-10 frontage road for approximately 0.75 mile. The route then proceeds east, along the south side of Speedway Boulevard, for approximately 0.4 mile. It then proceeds south along the west side of Main Avenue for approximately 0.4 mile where it meets the UPRR ROW, and then heads in a southeasterly direction approximately 0.1 mile, northeast of the UPRR ROW, and terminating at the Tucson Substation.

- 11th Avenue Route: Beginning at the DMP Substation, this route proceeds in a southeasterly direction, east of and adjacent to the UPRR ROW for approximately 0.25 mile. The route then proceeds east for approximately 0.9 mile along the south side of Grant Road and turns south onto 11th Avenue. The route then proceeds along the west side of 11th Avenue for approximately 1.4 miles, terminating at the Tucson Substation.

For all of the routes, TEP intends to collocate a 46kV distribution line with the Project. TEP is requesting approval of a corridor with a width of 300 feet in order to provide flexibility for the Project pending final design and engineering for the Project.

More complete maps, along with more detailed textual descriptions of the proposed route are available in the Application and on the Applicant's website. The Application (which includes detailed maps of the proposed Project) is on file with the Docket Control of the Arizona Corporation Commission, 1200 West Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress Street, Suite 221, Tucson, Arizona 85701 in addition to the Valdez Main Library listed above. The Application is also available through the ACC's e-Docket function (www.edocket.azcc.gov).

Each county and municipal government and state agency interested in the proposed Project and desiring to become a party in the proceeding must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

Any domestic, non-profit corporation or association, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote customer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the Project is to be located and desiring to become a party to the certification proceedings must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

The Committee or its Chairman, at any time deemed appropriate, may make other persons parties to the proceeding.

Any person may make a limited appearance at a hearing by filing a statement in writing with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, and the Chairman of the Committee at 1275 West Washington Street, Phoenix, Arizona 85007, not less than five (5) days before a

date set for hearing. A person making a limited appearance shall not be a party or have the right to present testimony or cross-examine witnesses.

This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 through 40-360.13 and Arizona Administrative Code R14-3-201 through R14-3-219. No substantive communication, not in the public record, may be made to any member of the Committee. The written decision of the Committee will be submitted to the Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person intending to be a party before the Arizona Corporation Commission must be a party to the certification proceedings before the Committee.

ORDERED this _____ day of December, 2010.

John Foreman, Chairman
ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE
Assistant Attorney General

DeMoss Petrie Substation to Tucson Substation 138kV Transmission Line Project

..... Proposed Alignments

▲ Substation

DeMoss Petrie (DMP) Substation

Tucson Substation

Downtown Tucson

ORACLE RD.

1ST AVE.

FT. LOWELL RD.

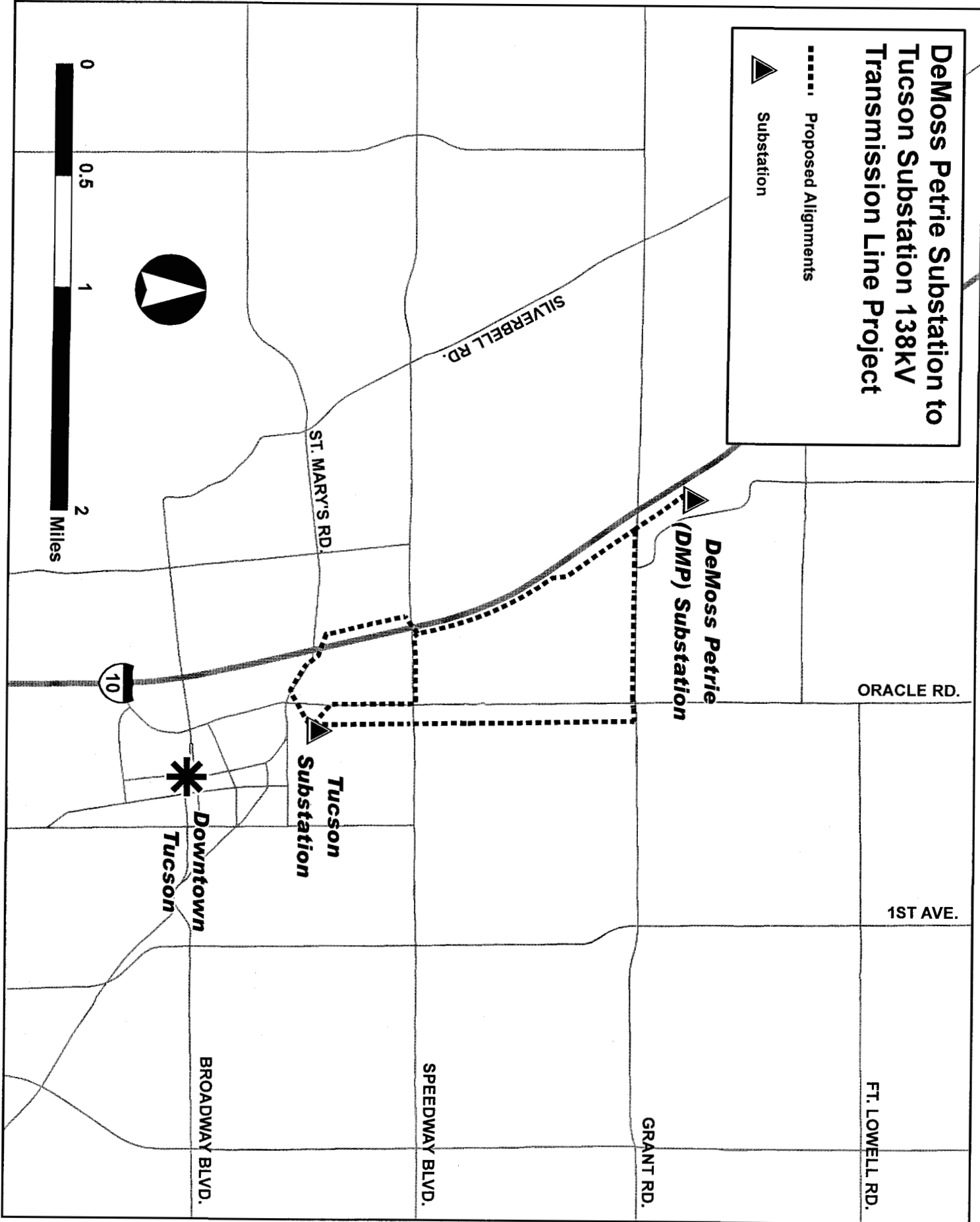
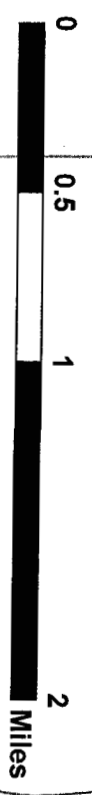
GRANT RD.

SPEEDWAY BLVD.

BROADWAY BLVD.

SILVERBELL RD.

ST. MARY'S RD.



From: Peter MacIlvaine
To: Mary Ippolito
CC: John Foreman
Date: 12/20/2010 1:40 PM
Subject: #157 / DeMoss Petrie Project

Hi Mary,

The Chairman would like an MS Word copy of your draft Notice of Hearing so he can finalize, sign and file the document with the ACC.

Thanks.

Peter

From: Peter MacIlvaine
To: Jason Gellman
CC: azrs@az-reporting.com; EBeck@Tep.com; Ian Johnson; Mary Ippolito; Ma...
Date: 12/17/2010 2:22 PM
Subject: RE: Dates for DeMoss Petrie

Thank you. We'll plan for the Pre-Filing Conference on Jan. 19th at 2:00 p.m. at our office.

>>> Jason Gellman <jgellman@rdp-law.com> 12/17/2010 1:17 PM >>>

Peter,

Scheduling the pre-hearing conference on January 19th at 2 p.m. works with the Applicant. Also, we have confirmed that the 24th through the 26th are available at the Viscount Suite Hotel. Attached is the proposed form of notice for the hearings (the only thing missing is the docket number; we understand docket control will assign a docket number by Monday) and an updated form of notice for the sign postings. Please contact me should you need any additional information. Thank you.

Jason D. Gellman
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: jgellman@rdp-law.com

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-----Original Message-----

From: Peter MacIlvaine [<mailto:Peter.MacIlvaine@azag.gov>]
Sent: Friday, December 17, 2010 10:57 AM
To: Jason Gellman
Cc: Matt Derstine; Mary Ippolito; EBeck@Tep.com
Subject: Re: Dates for DeMoss Petrie

Mr. Gellman,

The Chairman would like to know if we can schedule the Pre-Hearing Conference on Wednesday, Jan. 19th at 2 p.m. He would prefer to have several days between the Pre-Hearing Conference and

the start of the hearings on Jan. 24th. (in case of any unforeseen matters or to decide how to proceed if our potential intervenor changes course. The Chairman also wants to make sure we have disclosure on time.)

Thank you.

Sincerely yours,

Peter MacIlvaine

>>> Jason Gellman <jgellman@rdp-law.com> 12/16/2010 3:18 PM >>>
Peter,

It looks like TEP can get a venue for the 20th and 21st of January or the 24th through 26th of January for the DeMoss Petrie Hearing. We were not sure which one the Chairman would prefer since the 19th appears unobtainable for any suitable venue. I believe the one date where two committee members were not available would be the 26th. Please let us know which is the more attractive option. Thanks.

Jason

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From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIrvine@azag.gov
CC: EBeck@Tep.com; mippolito@rdp-law.com
Date: 12/17/2010 11:01 AM
Subject: RE: Dates for DeMoss Petrie

I am checking on that date for the Pre-Hearing Conference. We are working on confirming the site for the hearing to start on the 24th. Once I get that confirmation, I will let you know and send you updated forms of notice of hearing and sign posting language. Thanks.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Friday, December 17, 2010 10:57 AM
To: Jason Gellman
Cc: Matt Derstine; Mary Ippolito; EBeck@Tep.com
Subject: Re: Dates for DeMoss Petrie

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Peter MacIrvine

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From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIrvine@azag.gov
CC: EBeck@Tep.com; mippolito@rdp-law.com; mderstine@rdp-law.com; ianjohn27@g...
Date: 12/16/2010 3:53 PM
Subject: RE: Dates for DeMoss Petrie

Thanks Peter.

-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Thursday, December 16, 2010 3:33 PM
To: Jason Gellman
Cc: Ian Johnson; Matt Derstine; Mary Ippolito; EBeck@Tep.com
Subject: Re: Dates for DeMoss Petrie

We'll take 1/24, 1/25 & 1/26 and hope to finish in 2 days.

Thanks.

Peter

>>> Jason Gellman <jgellman@rdp-law.com> 12/16/2010 3:18 PM >>>
Peter,

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Phone: 602-256-6100
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CC: EBeck@Tep.com; Ian Johnson; Mary Ippolito; Matt Derstine
Date: 12/16/2010 3:33 PM
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Peter MacIlvaine - Re: Dates for DeMoss Petrie

From: <EBeck@Tep.com>
To: Peter.MacIlvaine@azag.gov; jgellman@rdp-law.com
Date: 12/16/2010 3:31 PM
Subject: Re: Dates for DeMoss Petrie
CC: ianjohn27@gmail.com; mippolito@rdp-law.com; mderstine@rdp-law.com

Just let me know!

Ed

From: Jason Gellman [mailto:jgellman@rdp-law.com]
Sent: Thursday, December 16, 2010 03:18 PM
To: Peter MacIlvaine <Peter.MacIlvaine@azag.gov>
Cc: Beck, Ed; Matt Derstine <mderstine@rdp-law.com>; Mary Ippolito <mippolito@rdp-law.com>; Ian Johnson <ianjohn27@gmail.com>
Subject: Dates for DeMoss Petrie

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Peter MacIlvaine - Dates for DeMoss Petrie

From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/16/2010 3:23 PM
Subject: Dates for DeMoss Petrie
CC: ianjohn27@gmail.com; mippolito@rdp-law.com; mderstine@rdp-law.com; EBeck@Tep.com

Peter,

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Jason

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From: Peter MacIlvaine
To: Ian Johnson
Date: 12/16/2010 11:55 AM
Subject: TEP DeMoss Petrie to Tucson Project
Attachments: Draft PRE-HEARING PROCEDURAL ORDER.pdf; DRAFT CEC CONDITIONS.pdf

Mr. Johnson,

Per the discussion at yesterday's Pre-filing Conference, attached please find copies of: **1. Draft Pre-Hearing Procedural Order;** and **2. Draft CEC Conditions.**

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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>>> Ian Johnson <ianjohn27@gmail.com> 12/15/2010 2:08 PM >>>

Yes, it sure is. Thanks much.

Ian

On Dec 15, 2010, at 2:07 PM, Peter MacIlvaine wrote:

> Mr. Johnson,
>
> Please confirm that we have the correct e-mail address.
>
> Thank you.
>

> Sincerely yours,
>
> Peter MacIlvaine
>
>
> In order to avoid any potential question about an Open Meetings Law violation, please do not
reply to any of the recipients of this e-mail except the sender.
>
>
> Peter MacIlvaine
> Assistant to Chairman
> Arizona Power Plant and Transmission Line Siting Committee
> Office of the Attorney General
> Tel: (602) 542-7760
> Fax: (602) 542-4377
> peter.macilvaine@azag.gov
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>
>

Ian Johnson, MoiaGroup
Web Design and Development
ian@moiagroup.com
<http://www.moiagroup.com>
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

1 **BEFORE THE ARIZONA POWER PLANT AND**
2 **TRANSMISSION LINE SITING COMMITTEE**

3 IN THE MATTER OF THE APPLICATION OF ??????,
4 IN CONFORMANCE WITH THE REQUIREMENTS OF
5 ARIZONA REVISED STATUTES §§ 40-360, *et seq.*,
6 FOR A CERTIFICATE OF ENVIRONMENTAL
7 COMPATIBILITY AUTHORIZING THE
8 CONSTRUCTION OF ?????? PROJECT,
9 ORIGINATING AT THE EXISTING ?????? COUNTY,
10 TO THE EXISTING ?????? COUNTY, ARIZONA.

Arizona Corporation Commission

Docket No. L-00000?

Case No.

11 **PROCEDURAL ORDER**

12 An Application for a Certificate of Environmental Compatibility was filed in the
13 above captioned matter with Docket Control of the Arizona Corporation Commission
14 ("Commission") on [date]. A copy of the Application was transmitted to John Foreman,
15 designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("Chairman")
16 and Presiding Officer of the Arizona Power Plant and Transmission Line Siting
17 Committee ("Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by
18 A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman
19 issues the following procedural order,

20 IT IS ORDERED:

- 21 1. The Applicant and all other potential parties ("persons" within the meaning of
22 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
23 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time
24 of the pre-hearing conference scheduled below if they disagree that the time limit
25 for decision on the Application by the Committee set by A.R.S. § 40-360.04(D) is
26 [date].
2. All "persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or
request to intervene pursuant to A.R.S. § 40-360.05(A) that are listed as parties
or potential parties on pleadings or procedural orders filed by the Applicant or the
Chairman shall notify Docket Control of their desire to receive pleadings and
orders in this matter and shall regularly review the Docket Control file in this
matter to make sure they have received all pleadings and procedural orders
relating to this case. Neither the Line Siting Committee nor the Chairman has the
authority to direct Docket Control to send one of the 25 copies of pleadings and
procedural orders filed with Docket Control to prospective parties.

- 1 3. The Applicant shall arrange for the publication and posting of notice of the
2 evidentiary hearing, as agreed to at the pre-application hearing involving the
3 Applicant and all known potential interveners, in a form approved by the
4 Chairman and circulated for approval as to form to all known potential interested
5 parties. In addition, the Applicant shall submit a copy of the notice and present
6 testimony describing the publication and posting of the notice at the evidentiary
7 hearing.
- 8 4. The Applicant shall make arrangements for the evidentiary hearing to be held at
9 the [location] beginning on [date], at 9:30 a.m. and continuing, if necessary, on
10 [date], at 9:30 a.m. In addition, the Applicant shall make arrangements for a
11 public comment session to be held at the same venue starting at 6:00 p.m. on
12 [date]. The Applicant shall make arrangements for further regular sessions, if
13 needed, and additional public comment sessions, if needed, on dates and at
14 times to be determined later.
- 15 5. The Applicant shall contact the Chief Finance Officer of the Commission and
16 make financial arrangements regarding hotel reservations and other expenses of
17 the Committee members. The Applicant shall also make arrangements with the
18 Commission concerning reimbursement of the Line Siting Fund should the
19 expenses of the hearings exceed the application fee. A.R.S. § 40-360.10. The
20 Applicant shall advise the Chairman of the results of these discussions so the
21 necessary information may be communicated to the Committee members.
- 22 6. The Applicant and all other potential parties ("persons" within the meaning of
23 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
24 A.R.S. § 40-360.05(A)) shall meet and confer, on or before the beginning of the
25 evidentiary hearing to determine whether any of the intervening parties have
26 similar interests in the application process that will allow them jointly to present
testimony on direct or cross-examination of witnesses or jointly to offer exhibits
into evidence. The Applicant shall, and any other potential party may, report to
the Chairman the results of the attempts of the parties to resolve the issues and
to determine if common interests exist that will allow parties to jointly present
evidence and argument or to avoid repetition of testimony and argument at the
hearing.
7. The parties and any other potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to

1 A.R.S. § 40-360.05(A)) shall not communicate with any member of the
2 Committee about any procedural matters or about any factual issues or legal
3 issues relating to the Application while the Application is pending before the Line
4 Siting Committee. The only exception is the parties may communicate with the
5 Chairman, during the time the Application is pending, about procedural matters
6 relating to the preparation of the Application for hearing, the hearing on the
7 Application and the decision on the Application by the Committee.
8 Communication of the parties with the Chairman about any procedural matters,
9 during the time an Application is pending, shall be in writing with a copy of the
10 writing to all parties or known potential parties ("persons" within the meaning of
11 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to
12 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-
13 application hearing, at a procedural hearing or at the hearing on the Application.
14 Any party who initiates any written communication sent to the Chairman shall
15 file, with Docket Control of the Commission, a copy of the communication,
16 including its distribution list, within 10 days of sending the communication.

- 17 8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
18 submit, at least forty-eight hours before the hearing or meeting described in the
19 agenda, any objections, additions or corrections to the agenda, in order to bring
20 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
21 serve a copy upon all other parties and file a copy with Docket Control of the
22 Commission.
- 23 9. In addition, all parties shall meet and confer as needed before, during and after
24 the hearing to attempt to resolve any disputes amongst the parties. The parties
25 also shall keep all other parties advised of their positions and intentions with
26 regard to the presentation of evidence, witnesses and the application process in
general to avoid delay, the presentation of repetitive evidence and any unfair
advantage from surprise.
10. All parties shall prepare brief summaries of the expected direct testimony of each
witness they will call. In lieu of a testimonial summary, a party may pre-file and
exchange all or substantially all of the direct testimony of any witness.
Testimonial summaries and pre-filed testimony should be filed no later than the
last pre-hearing conference or three business days before the witness is to
testify, whichever is later. Except for good cause, no witness will be allowed to
testify on direct examination concerning issues not reasonably identified in the
pre-filed testimony or testimonial summary.

11. All parties shall meet, confer and exchange all exhibits the parties plan to offer in evidence before the hearing, or before they are referred to in testimony or offered in evidence. The Applicant shall, and other parties may, provide one or more three ring binders for the Chairman and each member of the Committee to hold exhibits at the beginning of the hearing and as needed during the hearing. Each party shall prepare a numbered list of the exhibits and a copy of all exhibits suitable for placement in the binders that have been exchanged with the other parties that each party expects to offer in evidence at the hearing for the Chairman and each Committee member. The exhibits shall be provided at the beginning of the hearing and during the hearing before reference to the exhibit is made in the hearing. Except for good cause, no exhibit that was not exchanged with the other parties shall be considered at the hearing. Any exhibit to which reference is made during any hearing that is not offered or admitted into evidence shall be provided to the court reporter at the evidentiary hearing for inclusion in the record unless it is withdrawn, and the Chairman determines its filing is not necessary to an understanding of the actions of the Committee.
12. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: ?-1, ?-2, etc. Each intervening party will be assigned by the Chairman a letter or letters of the alphabet as a preface with which to consecutively number its exhibits. For example, the Commission staff will number its exhibits: CC-1, CC-2, etc.
13. The Applicant may make an opening statement at the beginning of the hearing of no more than thirty minutes. Each other party may make an opening statement of no more than five minutes.
14. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 4, above.
15. In the event the Chairman determines that a tour is appropriate, the Applicant shall arrange for transportation of any Committee Members who wish to attend a tour of the locations where facilities proposed in the Application or similar facilities are located. If a tour is held, it will begin at [time] on [date]. The Applicant shall submit to the Chairman, for approval in advance of the hearing, a schedule and protocol agreed to by all parties for the tour. If all parties do not agree upon the schedule and protocol for the tour, the disagreements shall be submitted to the Chairman for resolution. The protocol shall identify the tour route, identify the location of any stops, and identify any witnesses who will accompany the tour. Counsel may ask brief explanatory questions of the

1 identified witness or witnesses during the stops about the location, what can be
2 seen from the location of the stop and the relevance of the location or view to the
3 Application in the discretion of the Chairman. All witnesses who testify on the tour
4 shall be sworn before their testimony. All questions and answers shall be before
5 a court reporter. No testimony or discussion with or between Committee
6 members about the Application or matters relating to the Application will take
7 place, except on the record before a court reporter at the designated stops. The
8 protocol shall provide for access to any testimony presented at stops on a tour to
9 members of the public. Members of the public who wish to attend the tour shall
10 be encouraged to notify the parties or the appropriate staff of the Arizona
11 Corporation Commission in advance of their intention to attend.

12 16. Parties may present their witnesses in panels where appropriate. A party that
13 intends to present witnesses in panels shall identify the members of any panel at
14 the time it files its witness summaries.

15 17. The Applicant shall make arrangements for the preparation of expedited court
16 reporter transcripts of all hearings relating to the Committee's consideration of
17 the Application so that the transcripts are available for public inspection within
18 three working days after each hearing date as required by A.R.S. § 38-431.01(D)
19 and § 40-360.04(C). In addition, the Applicant shall file a certification with
20 Commission Docket Control that it has provided a copy of the transcripts to at
21 least two public libraries identified in the certification that are in the vicinity of the
22 location of the Project that is the subject of the Application.

23 18. On or before the final pre-hearing procedural hearing set below, the Applicant
24 shall, and the other parties may, file proposed findings of fact, proposed
25 conclusions of law, the wording of any proposed Certificate of Environmental
26 Compatibility and the wording of any proposed conditions to the Certificate.

19 19. If the beginning of closing arguments and the Committee's deliberations are
20 more than one week after the beginning of the hearing, the parties shall meet
21 and confer after the hearing begins and before closing arguments concerning
22 proposed findings of fact, proposed conclusions of law, a proposed Certificate of
23 Environmental Compatibility and the wording of any proposed conditions to the
24 Certificate. If the parties are able to agree upon part or all of the proposed
25 findings of fact, proposed conclusions of law, proposed form of a Certificate of
26 Environmental Compatibility and proposed wording of conditions to the
Certificate, all that is agreed upon should be reduced to writing and filed with
Commission Docket Control. If the parties are not able to agree completely, the
Applicant shall, and all other parties may, file proposed findings of fact, proposed
conclusions of law, proposed wording of a Certificate of Environmental

Compatibility and proposed wording of conditions to the Certificate no later than the beginning of closing arguments.

20. If the Applicant or any other party proposes conditions based upon conditions used in prior cases, each proposed condition from a prior case shall contain a reference to the case number of the most recent prior Certificate of Environmental Compatibility using the language approved by the Commission.

21. All witness summaries, proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions of Certificates, shall be filed with Commission Docket Control pursuant to A.A.C. R14-3-204 and -205. If any documents that are filed are hand delivered during the hearing, eleven copies shall be submitted to the Chairman for distribution to the other Committee Members.

22. If the final wording of the Certificate with findings of fact, conclusions of law and conditions is agreed to by the Committee during its deliberations, the Applicant shall and the other parties may file within five business days after the hearing concludes, their understanding of the Certificate with findings of fact, conclusions of law and conditions for signature. If the parties can agree upon a proposed form of Certificate with findings, conclusions and conditions, the Applicant shall file the agreed upon proposed Certificate for signature. If the parties are not able to agree upon a proposed form of Certificate, findings of fact, conclusions of law or conditions, the Applicant shall file, and the other parties may file those portions of the proposed Certificate, findings of fact, conclusions of law and conditions upon which the parties agree. The Applicant also shall file, and any other party may also file, its understanding of any disputed portions of the proposed Certificate, findings, conclusions or conditions. All proposed forms of the Certificate with findings of fact, conclusions of law and conditions and any objections or proposed revisions to the submissions of other parties shall be filed with Docket Control of the Commission, and a copy shall be hand delivered to the office of the Chairman at 1275 W. Washington, Phoenix, Arizona, within five days after the conclusion of the evidentiary hearing absent other order of the Chairman. Objections or suggestions that are not timely filed shall be considered waived. The copy of the proposed Certificate of Environmental Compatibility filed by the Applicant and any proposed revisions filed by the parties that are served upon the Chairman shall include an electronic file containing the wording of the proposed language in a format compatible with Microsoft® Word word processing program.

23. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to

1 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing
2 conference on [date] beginning at [time] at the offices of the Attorney General of
3 Arizona, 1275 W. Washington, Phoenix, Arizona. Parties may appear by
4 telephone with the prior permission of the Chairman. At the final pre-hearing
5 conference, the Chairman will review with the parties:

- 6 a. The publication and posting of notices of the hearing;
- 7 b. The proposed agenda for the evidentiary hearing;
- 8 c. Any notices to intervene, applications to intervene, and applications to
9 make a limited appearance;
- 10 d. The status of attempts to narrow the issues at the evidentiary hearing or to
11 agree to language in the proposed findings of fact, proposed conclusions
12 of law, proposed Certificates of Environmental Compatibility and proposed
13 conditions to the Certificate;
- 14 e. The status of the filing and exchange of witness summaries or written
15 testimony, proposed findings of fact, proposed conclusions of law,
16 proposed Certificates of Environmental Compatibility and proposed
17 conditions to the Certificate;
- 18 f. The status of the exchange of exhibits amongst the parties;
- 19 g. Any objections, motions, responses and legal memoranda that have been
20 filed;
- 21 h. Plans and preparations for the hearing, public comment session, and tour
22 of the proposed site.

23 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
24 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
25 conference or at a hearing.

26 DATED this ??th day of ????, 2010

John Foreman
Assistant Attorney General
Chairman
Arizona Power Plant and Transmission
Line Siting Committee
john.foreman@azag.gov

Pursuant to A.A.C. R14-3-204,

The Original and 25 copies were
filed this ??th day of ????, 2009 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the above mailed
this ??th day of ????, 2009 to:

Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
Counsel for Legal Division Staff

?????
?????

Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 North Central Avenue
Phoenix, AZ 85004-1481

Rev'd 12/8/10

[These are draft conditions to be attached to a proposed Certificate of Environmental Compatibility for consideration by the parties to hearings. They should be considered as a starting point not necessarily an ending point for the discussions the parties are required to hold before and during a hearing concerning the final form of the CEC. Not all draft conditions are appropriate for each case. If the parties agree to use or a party individually wishes to propose different language based upon the language used in a prior CEC approved by the Committee or Commission, please indicate which case the language was taken from and by whom it was approved.]

CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Arizona Corporation Commission. Any transfer or assignment of this Certificate shall require the assignee or successor to assume all responsibilities of the Applicant listed in this Certificate and its conditions in writing as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of the Arizona Administrative Code.
2. During the construction and operation of the Project, the Applicant shall comply with all applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [name of county], [any municipal government with jurisdiction over the Project or the land upon which the Project is located], and their agencies or subdivisions, including but not limited to the following:
 - 2.1. all applicable land use regulations;

- 2.2. all applicable zoning stipulations and conditions, including but not limited to landscaping and dust control requirements;
 - 2.3. all applicable water use, discharge and/or disposal requirements of the Arizona Department of Water Resources and the Arizona Department of Environmental Quality;
 - 2.4. all applicable noise control standards; and
 - 2.5. all applicable regulations governing storage and handling of hazardous chemicals and petroleum products;
2. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [name of county], and any other governmental entities having jurisdiction necessary to construct and operate the Project.
3. If any archaeological site, paleontological site, historical site or an object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the Project, the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery as required by A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the Project, the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum as required by A.R.S. § 41-865.
5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of Project.
6. This authorization to construct this Project shall expire unless the transmission line [power plant] is capable of operation within [five] years from the date the Certificate is approved by the Commission. However, prior to expiration, the Applicant may request that the Commission extend this time limitation.
7. Applicant shall enter into a land subsidence monitoring agreement with the Arizona Department of Water Resources before withdrawing groundwater for operation of the Project. [To be used for power plants that use groundwater]
8. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor [location], all persons who made public comment at this proceeding, and all parties to this proceeding of the request and the date, time and place of the hearing in which the Commission will consider the request for extension.
9. The Applicant shall make every reasonable effort to identify and

correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained. Upon request, the written records shall be provided to the Staff of the Commission.

10. Within 120 days of the Commission decision granting this Certificate, Applicant shall post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date of completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and

(f) The website of the Project.

11. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
12. Applicant, or its assignee(s), shall use non-specular conductors and non-reflective surfaces for transmission line structures.
13. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.
14. Applicant shall follow any published guidelines adopted by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts during the construction and operation of the Project with any species designated as endangered. Applicant also shall follow any published and adopted guidelines for handling contacts with any species of greatest conservation need as designated by the Arizona Game and Fish Department. If no published and adopted guidelines exist, the

Applicant shall use reasonable care to avoid any harm to individuals of the designated species. If the avoidance of harm to individuals is not possible, the Applicant shall contact the Arizona Game and Fish Department and the United States Fish and Wildlife Service to obtain any appropriate permits and guidance for removing the individual members of the species contacted from the area of the Project.

15. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
16. The Applicant shall provide copies of this Certificate to [all affected governmental entities, e.g., affected cities and counties, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department].
17. Before construction commences on this Project, the Applicant shall provide known homebuilders and developers who are building upon or developing land within one mile of the center line of the Certificated route of the transmission line [within two miles of the location of the Certificated power plant], a written description of the Project. The written description shall identify the location of the Project and contain a pictorial depiction of the type of transmission line [power plant] being constructed. The Applicant also shall encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.
18. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:

- (a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff and file with Docket Control reports of studies performed; and
- (b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff and file it with Docket Control. [To be used if the transmission line is located at any point within 100 feet of a natural gas or hazardous liquid pipeline.]

- 19. Applicant will follow the most current Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
- 20. The Applicant shall submit a compliance certification letter annually, identifying progress made with respect to each condition contained

in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Arizona Corporation Commission commencing on [date not less than 180 nor more than 365 days after approval of the CEC by the Committee]. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office (or its successor organization). The requirement for the compliance certification shall expire on the date the Project is placed into operation.

21. Within sixty days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.
22. The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.
23. The Applicant shall not operate any back-up system of a renewable energy generator so that it generates 25,000 metric tons or more of CO₂ in any year. The Applicant shall monitor the emissions of any back-up generator that emits CO₂ or other greenhouse gas as defined by the United States Environmental Protection Agency on a regular basis and report the amount of CO₂ and other greenhouse gas emissions in annual reports filed with Docket Control and the

compliance officer of the Arizona Corporation Commission on or before June 1 after the beginning of commercial operation of the facility and continuing each June 1 until commercial operation of the facility stops. [For use with renewable energy generators with carbon emitting back-up systems.]

24. In connection with the construction of the Project, Applicant shall use commercially reasonable efforts, consistent with applicable laws to encourage use of qualified Arizona legal resident contractors, laborers, and suppliers of goods and services. In addition, Applicant shall file, as part of its annual compliance certification requirement:

(A) a report listing the number of persons who were hired during the previous calendar year for construction jobs at the Project who identified themselves, upon hiring, as legal residents of Arizona and the total number of those who were hired during the previous calendar year regardless of residence; and

(B) a report listing the names of businesses in Arizona, with whom Applicant executed substantial contracts during the previous calendar year to provide goods and services during construction of the Project, the aggregate dollar amount of payments to all Arizona businesses by Applicant pursuant to those contracts, and the total aggregate dollar amount of all payments to all businesses with whom the Applicant executed contracts to provide goods and services during construction of the Project.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for an adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

From: Ian Johnson <ianjohn27@gmail.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/15/2010 2:08 PM
Subject: Re: confirming your address

Yes, it sure is. Thanks much.

Ian

On Dec 15, 2010, at 2:07 PM, Peter MacIlvaine wrote:

> Mr. Johnson,
>
> Please confirm that we have the correct e-mail address.
>
> Thank you.
>
> Sincerely yours,
>
> Peter MacIlvaine
>
>
> In order to avoid any potential question about an Open Meetings Law violation, please do not reply to
any of the recipients of this e-mail except the sender.
>
>
> Peter MacIlvaine
> Assistant to Chairman
> Arizona Power Plant and Transmission Line Siting Committee
> Office of the Attorney General
> Tel: (602) 542-7760
> Fax: (602) 542-4377
> peter.macilvaine@azag.gov
>
> CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of
the intended recipient(s) and may contain confidential and privileged information. Any unauthorized
review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact
the sender by reply e-mail and destroy all copies of the original message.
>
>

Ian Johnson, MoiaGroup
Web Design and Development
ian@moigroup.com
<http://www.moigroup.com>
P.O. Box 1136, Tucson, AZ 85702
(520) 302-4726

From: Peter MacIlvaine
To: ianjohn27@gmail.com
Date: 12/15/2010 2:07 PM
Subject: confirming your address

Mr. Johnson,

Please confirm that we have the correct e-mail address.

Thank you.

Sincerely yours,

Peter MacIlvaine

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Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/14/2010 11:25 AM
Subject: RE: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

Thank you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Tuesday, December 14, 2010 11:24 AM
To: Mary Ippolito
Subject: RE: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

Yes, it is fine to share the phone info with interested parties.

>>> Mary Ippolito <mippolito@rdp-law.com> 12/14/2010 11:12 AM >>>
Peter

Jason wanted to double check with your office that is it okay with the Chairman's office to email the call-in number to the list of interested parties that were sent a letter notifying them of this prehearing conference.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Tuesday, December 14, 2010 9:35 AM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

Hi Mary,

Per our conversation, conference call participants should call (866) 751-5726 and enter the code *7115248*

(please note that "*" must be entered before and after the digits in the code.)

Please let me know if you have any questions.

Sincerely yours,

Peter MacIlvaine

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Peter MacIlvaine
Assistant to Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
Tel: (602) 542-7760
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sender by reply e-mail and destroy all copies of the original message.

From: Peter MacIlvaine
To: Mary Ippolito
Date: 12/14/2010 11:23 AM
Subject: RE: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

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Peter MacIlvaine
Assistant to Chairman
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From: Mary Ippolito <mippolito@rdp-law.com>
To: Peter.MacIlvaine@azag.gov
Date: 12/14/2010 9:39 AM
Subject: RE: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

Thank you.

-----Original Message-----

From: Peter MacIlvaine [mailto:Peter.MacIlvaine@azag.gov]
Sent: Tuesday, December 14, 2010 9:35 AM
To: Mary Ippolito
Cc: John Foreman; Susan Ellis
Subject: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

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7115248

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Peter MacIlvaine

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Peter MacIlvaine
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Office of the Attorney General
Tel: (602) 542-7760
Fax: (602) 542-4377
peter.macilvaine@azag.gov

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sender by reply e-mail and destroy all copies of the original message.

From: Peter MacIlvaine
To: Ippolito, Mary
CC: John Foreman; Susan Ellis
Date: 12/14/2010 9:35 AM
Subject: DeMoss Petrie to Tucson Project - Pre-Filing Conference 12/15/10

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From: Jason Gellman <jgellman@rdp-law.com>
To: Peter.MacIrvine@azag.gov
CC: mippolito@rdp-law.com
Date: 12/9/2010 5:39 PM
Subject: RE: Tucson Electric Power Company DeMoss Petrie to Tucson138kVTransmission Line Project

The name and contact information for our assistant is as follows:

Mary Ippolito
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Phone: 602-256-6100
Fax: 602-256-6800
email: mippolito@rdp-law.com

Thanks again for your assistance.

Jason

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-----Original Message-----

From: Peter MacIrvine [mailto:Peter.MacIrvine@azag.gov]
Sent: Thursday, December 09, 2010 3:35 PM
To: Jason Gellman
Cc: Matt Derstine; Mary Ippolito; 'EBeck@Tep.com'; MJerden@tep.com
Subject: RE: Tucson Electric Power Company DeMoss Petrie to Tucson138kVTransmission Line Project

Mr. Gellman:

The Chairman can confirm 1:00 p.m. next Wednesday, December 15th for the Pre-Filing Conference in the above-referenced matter. We will arrange to have a court reporter present to cover the proceedings.

Also, could you please forward me the name and contact information for your assistant/paralegal on this case. I will make sure they are cc'd on any e-mails.

Thanks.

Peter MacIrvine

>>> Jason Gellman <jgellman@rdp-law.com> 12/9/2010 12:31 PM >>>
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With regards to your question below, I can tell you is that the Project got considerable interest from many homeowners associations and residents within the Project study area. We intend to notify all of them of the prefiling conference (the address list, also including jurisdictional entities and the ACC Staff, is at 35). While I cannot predict how many will want full intervention or some kind of limited appearance status, we anticipate most are interested in monitoring the proceedings and may be satisfied with providing public comment. They may also be interested in at least listening in on the prefiling conference. TEP does believe that the comments will be relatively focused on providing input on the particular routes being proposed. We anticipate the interests of the persons who have provided comment to be relatively harmonious with one another. I hope this helps to some degree.

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400 East Van Buren, Suite 800
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Phone: 602-256-6100
Fax: 602-256-6800
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Peter MacIlvaine
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Office of the Attorney General
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peter.macilvaine@azag.gov

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Office of the Attorney General

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To: Peter.MacIlvaine@azag.gov
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To: Jason Gellman
CC: John Foreman; Susan Ellis
Date: 12/9/2010 9:57 AM
Subject: Re: Tucson Electric Power Company DeMoss Petrie to Tucson 138kV Transmission Line Project

Mr. Gelman:

The Chairman will be available for a pre-filing conference next week at the following times: any afternoon before 3 p.m.; or the mornings of Wed. 12/15, Thur. 12/16 or Friday 12/17 are also available. The conference will take approximately one (1) hour and would be held at our office in Phoenix.

The hearing will tentatively take place in late January, subject to the availability of the Committee members. The Chairman will be unavailable February 7-17.

Please advise of your preferred time(s) next week and if you have any additional questions.

Sincerely yours,

Peter MacIlvaine

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Date: 12/9/2010 7:17 AM
Subject: Re: Tucson Electric Power Company DeMoss Petrie to Tucson 138kV Transmission Line Project

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Mr. MacIlvaine,

Tucson Electric Power Company is in the process of finalizing its Application for the DePetrie to Tucson 138kV Transmission Line Project. TEP believes that Application will be ready to submit in mid-December. This is listed in the most recent Upcoming Line Siting Filings (November 1, 2010) on the first page at row six.

The purpose of my email to you is to inquire as to potential dates to hold the pre-filing procedural conference with Chairman Foreman in mid-December. This is an approximate 2.5-mile transmission line to be constructed in downtown Tucson (assuming the Project is granted and approved). Because it is in downtown Tucson, TEP runs into the problem of trying to get a venue right around the time of the annual Gem Show and related festivities that occur in Tucson. This makes finding any venue in February difficult at best. TEP was hoping to hold the hearings in late-January because venues are available as of today. I understand this is ambitious and apologize for any inconvenience. But if there is anyway to accomodate this schedule, TEP and I would greatly appreciate it.

The project has attracted significant interest from the public. Not to get into substance of the Application in this email, TEP still believes that based on the proposed routes and particularly the preferred route, that this should be a fairly short hearing. We would anticipate needing two days at this time. Even so, there may be several citizens interested in participating in some fashion, so I suspect a telephone-conference line might be necessary for the prefiling proceeding.

Please let me know if there is any further information you or Chairman Foreman would like. I will be out of the office tomorrow, but I am checking emails and messages. Many thanks for your time and consideration.

Regards,

Jason

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